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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF FORESTRY—BULLETIN No. 57.

GIFFORD PINCHOT, Forester.

FEDERAL AND STATE FOREST LAWS.

COMPILED BY

GEORGE W. WOODRUFF, A. B., LL. B.,

EXPERT, BUREAU OF FORESTRY.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.

BUREAU OF FORESTRY.

GIFFORD PINCHOT, *Forester.*

FOREST MEASUREMENTS,
OVERTON W. PRICE, *in Charge.*

FOREST MANAGEMENT,
THOMAS H. SHERRARD, *in Charge.*

DENDROLOGY,
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RECORDS,
JAMES B. ADAMS, *in Charge.*

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF FORESTRY,
Washington, D. C., December 6, 1904.

SIR: I have the honor to transmit herewith a manuscript entitled "Federal and State Forest Laws," compiled by George W. Woodruff, an Expert in the Bureau of Forestry, and to recommend its publication as Bulletin No. 57 of the Bureau of Forestry.

This bulletin was prepared to answer a definite need of this Bureau and a wide demand for information regarding forest legislation.

Respectfully,
GIFFORD PINCHOT,
Forester.

HON. JAMES WILSON,
Secretary of Agriculture.

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FEDERAL AND STATE FOREST LAWS.

EXPLANATORY REMARKS.

Attention is particularly called to the fact that this bulletin is not prepared as a text-book. The legislation which comprises its subject-matter is likely to be extensively modified and added to in the near future; and the demand for information on forest law, caused by the imminence of such change, has necessitated the preparation of this bulletin without the completeness which is desirable in a work of this kind. The bulletin is meant especially to help the Federal and State officials who deal with forest questions, as well as that great body of laymen who wish to inform themselves generally concerning the status of forest legislation. By issuing supplements to this bulletin containing new Federal and State laws the publication can be kept abreast of legislative movement until a careful revision of the entire subject seems desirable.

The laws, and excerpts from them, are printed verbatim in most instances. The exceptions to this are of two classes: First, when any law has been definitely amended by later acts, it is written as thus amended, with the use of as few extra words as can possibly be made to fit the amending matter into its place. In such cases the nature of the revision and the exact method are indicated both in the marginal notes and in an appended explanatory note. Second, when a law or any part of it is evidently unimportant, or but slightly connected with forest questions, it is cited in a note, with brief suggestions of the nature and bearing of its contents. The reader who wishes to go into the matter more fully is referred to the original source of the law. Laws definitely repealed or evidently superseded have been omitted; but, when there is doubt whether one law supersedes another, both are printed and a note added explaining the reason for seeming duplication of statutory provision.

Besides the notes giving brief hints at the contents of cited acts, there are further notes, for cross reference, for explanation of references in the regular text, and for an occasional citation of a relevant court decision. There has been no effort, however, to include any considerable portion of the court rulings under these laws. As a help

to finding decisions relating to the Federal forest laws, the reader is referred to the "Compilation of Public Timber Laws and Regulations and Decisions Thereunder, 1903," and to the "Compilation of Laws, and Regulations and Decisions Thereunder, Relating to the Establishment of Federal Forest Reserves, 1903," both of which pamphlets are published by the Commissioner of the General Land Office.

The reader will notice that, instead of the natural arrangement by political divisions, this bulletin is arranged according to subjects of importance to those interested in forestry, such as administration, forest trespass, forest fires, etc. This was done in the belief that it will facilitate the study of any one forest question, without materially delaying the discovery of any special law contained in this compilation.

ABBREVIATIONS.

A. J. R. for Assembly joint resolution.
Ann. for annotated.
c., ch., or chap. for chapter.
Fed. Rep. for Federal Reporter.
Gen. for general.
L. D. for Decisions of the Department of the Interior Relating to the Public Lands.
No. for number.
p. for page.
R. S. for United States Revised Statutes.
s. or Sec. for section.
S. J. R. for Senate joint resolution.
Stat. for statutes
v. for versus.
v. for volume.

CHAPTER I.

CONSTITUTIONAL PROVISIONS.

COLORADO.

CONSTITUTION, ARTICLE XVIII.—*Sec. 6.* The general assembly shall enact laws in order to prevent the destruction of and to keep in good preservation the forests upon the lands of the state or upon the lands of the public domain, the control of which shall be conferred by Congress upon the state. Forest protection.

Sec. 7. The general assembly may provide that the increase in the value of private lands, caused by the planting of hedges, orchards and forests thereon shall not, for a limited time to be fixed by law, be taken into account in assessing such lands for taxation. Tax exemption.

NEBRASKA.

CONSTITUTION, ARTICLE IX.—*Sec. 2* (Consecutive section 354). * * * The legislature may provide that the increased value of lands by reason of live fences, fruit and forest trees, grown and cultivated thereon, shall not be taken into account in the assessment thereof. Tax exemption.

NEW YORK.

CONSTITUTION, ARTICLE VII.—*Sec. 7.* The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. Forest preserve.

NOTE.—Lands acquired for the forest preserve, subsequent to the taking effect of the above constitutional provision, can not be taken for railroad purposes.
People *v.* Adirondack R'y Co., 160 N. Y. 225.

LAWS OF NEW YORK 1904, PAGE 1934.—*Sec. 1.* Resolved (if the assembly concur), that section seven of article seven be amended so as to read as follows: Proposed amendment.

Sec. 7. Forest Preserve.—The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands, except as hereinafter provided. They shall not be leased, sold or exchanged, or

be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The legislature may authorize the removal of dead timber on burned areas so far as necessary for reforestation, through officers and employees of the state, but not by contract. The legislature may also authorize the sale of lands outside of the limits of the Adirondack park and the Catskill park as such parks are now established by law. The proceeds of such sales shall be set apart in a separate fund and used only for the purchase of lands in such parks. A violation of this section may be restrained at the suit of the people or with the consent of the supreme court on notice to the attorney-general at the suit of any citizen of the state.

Sec. 2. Resolved (if the assembly concur), that the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and in conformity with section one, of article fourteen of the constitution, be published for three months previous to the time of such election.

NOTE.—This proposed amendment passed the legislature in 1904 and will be referred to that of 1905. If it passes the second time, it will be referred to the people at the next general election.

UTAH.

Forest protection.

CONSTITUTION, ARTICLE XVIII.—*Sec. 1.* The legislature shall enact laws to prevent the destruction of and to preserve the forests on the lands of the state, and upon any part of the public domain the control of which may be conferred by Congress upon the state.

CHAPTER II.

STATUTES RELATING TO ADMINISTRATION AND USE OF TIMBERLAND AND FOREST RESERVES.

UNITED STATES.

COMPILED STATUTES, PAGE 1526. REVISED STATUTES.—*Sec. 2458.* The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live oak and red cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the navy a sufficient supply of the same.

Live oak and cedar timber to be reserved for the Navy. Mar. 1, 1817, c. 22, s. 1, v. 3, p. 347; May 15, 1820, c. 136, v. 3, p. 607; Mar. 3, 1827, c. 94, s. 3, v. 4, p. 242.

Sec. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

Reservations of live oak and red cedar land. Mar. 1, 1817, c. 22, s. 1, v. 3, p. 347.

Sec. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Land and naval forces to be employed to prevent trespass. Feb. 23, 1822, c. 9, v. 3, p. 651.

NOTE.—Act of June 3, 1878, granting right to cut timber in mineral districts for certain purposes and providing against trespass by cutting for any purpose not permitted in the act, may be found on page 116 of this bulletin.

June 3, 1878, c. 150, v. 20, p. 88.

ACT OF JUNE 3, 1878, 20 STAT. AT LARGE, PAGE 89.—*Sec. 1.* The surveyed public lands of the United States * * * [in any public land States], not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one

Timber and stone lands in California, Oregon, etc., may be sold. June 3, 1878, c. 151, s. 1, v. 20, p. 89. As amended by Aug. 4, 1892, c. 375, s. 2, v. 27, p. 348.

person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Proviso.

Proviso. 1866, ch 262, 14, Stat., 251, R. S. 2339, p. 432. R. S. 2340, p. 432. R. S. 2341, p. 432.

NOTE.—The words in brackets in above section are inserted in place of the words, "within the States of California, Oregon and Nevada, and in Washington Territory," as provided by amending act of August 4, 1892.

Application for purchase.

Sec. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the government of the United States should inure, in whole or in part to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, shall be null and void.

False swearing in application.

Publication of application.

Sec. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office, shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication,

at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land-office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land-office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Facts to be proved.

Entry and patent. 1872, ch. 152, 17 Stat., 95. R. S. 2238, p. 394.

Objection to patent.

NOTE.—Sections 4 and 5 of above act may be found on page 117 of this bulletin.

COMPILED STATUTES, PAGE 1537.—*Sec. 24.* The President of the United States may, from time to time, set apart and reserve, in any state or territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Establishment of Federal forest reserves. Mar. 3, 1891, c. 561, s. 24, v. 26, p. 1103.

NOTE.—Section 3 of the Act of August 4, 1892, chapter 375, extending the so-called timber and stone act to all public land states, provides that nothing in that chapter shall be construed to repeal Act of March 3, 1891, chapter 561, section 24. (The original forest reserve law, see above.)

COMPILED STATUTES, PAGE 1538.—*Sec. 1.* The forest reservations in the State of Colorado, known as the Pikes Peak Forest Reserve, the Plum Creek Forest Reserve, and the South Platte Forest Reserve, established by executive proclamation dated, respectively, March 18, 1892, June 23, 1892, and December 9, 1892, in the State of Colorado in accordance with section 24 of the act of March 3, 1891, from and after the passage of this Act, shall be open to the location of mining claims thereon for gold, silver, and cinnabar, and title to such mining claims may be acquired in the same manner as it may be acquired to mining claims upon the other mineral lands of the United States for such purposes: *Provided*, That all locations for mining claims heretofore made in good faith within said

Mining claims in Colorado forest reserves. Feb. 20, 1896, c. 28, v. 29, p. 11.

reservations, and which have been held and worked in the same manner as mining claims are held and worked under existing law upon the public domain, are validated by this Act.

Restrictions on use of timber.

Sec. 2. Owners of valid mining locations made and held in good faith under the terms of this Act shall be, and are hereby, authorized and permitted to fell and remove from such mining claims any timber growing thereon, for actual mining purposes in connection with the particular claim from which the timber is felled or removed, but no other timber shall be felled or removed from any other portions of said reservations by private parties for any purpose whatever.

NOTE.—Timber, cut from a mining claim under the above act, may perhaps, as decided for homesteads in Shiver *v.* United States, 159 U. S. 491, be exchanged for timber or lumber to be applied direct to improvements on the claim, but may not be sold even to raise money with which to make such improvements. (Commissioner of the General Land Office to the Secretary of the Interior, Oct. 16, 1896, in the timber trespass case of Kendall, Townsend, and Walter.)

Administration of forest reserves. June 4, 1897, c. 2, s. 1, v. 30, p. 34.

COMPILED STATUTES, PAGE 1539.— * * * To remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify or suspend any and all such executive orders and proclamations, (made under authority of Sec. 24, Act of March 3, 1891) or any part thereof, from time to time as he may deem best for the public interests. * * *

NOTE.—The other portions of this paragraph which suspended, until Mar. 1, 1898, the operation of certain proclamations establishing forest reserves dated February 22, 1897, having expired by their own terms, are omitted.

Surveys to be made by Director of Geological Survey.

The surveys herein provided for shall be made, under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior; and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States surveyor general's office, of the State in which the reserve is situated, and the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States surveyor general's office of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the fac-simile signature of the Director of the Survey attached. Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the surveyors-general; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands

Plats and field notes, filing, etc.

Force and effect of plats and field notes.

are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inoperative as respects such survey: *Provided, however*, That a copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office.

Inconsistent laws declared inoperative.

Maps.

NOTE.—See also act of March 3, 1899, on page 23 of this bulletin.

All public lands heretofore designated and reserved by the President of the United States under the provisions of the Act approved March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves, under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions:

Mar. 3, 1891, c. 561, s. 24, v. 26, p. 1103.

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Purpose of forest reserves.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March 3, 1891, and which may be continued; and he may make such rules and regulations, and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations, shall be punished as is provided for in the Act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.

Provisions for protection against fire, etc.

Rules and regulations.

Penalty. June 4, 1888, c. 340, s. 1, v. 25, p. 166.

NOTE.—For Act June 4, 1888, see page 118 of this bulletin.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. "Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the

Appraisal and sale of forest-reserve timber.

Rules and regulations.

Advertisement of sale as per amendatory act of June 6, 1900, c. 804, v. 31, p. 661.

State or Territory where such reservation exists: *Provided, however*, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cordwood in advance of advertisement of sales at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further*, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cordwood not exceeding in value one hundred dollars stumpage: *And provided further*, That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further*, That the [above] provisions * * * [concerning advertisement, emergency sales, waiver of advertisement, and private sales] shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State;" payments for such timber to be made to the receiver of the local land office of the district wherein such timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises.

Emergency sales in advance of advertisement.

Waiver of advertisement for timber worth less than $100.

Private sale when bids prove unsatisfactory.

California excepted. See "Note" below.

Payments, how made.

Cutting and removal.

Advertisement of timber sale in California.

NOTE.—For California, notice of sale remains as formerly in Act of June 4, 1897, vol. 30, Stat. at Large, p. 35, which reads as follows: "Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists."

The words in quotation marks above have been omitted on page 19 of this bulletin and the words in quotation marks beginning on that page have been substituted for them. This substituted portion has been taken verbatim from the amending act except that words in brackets on page 20 have been interpolated for clearness, and where stars appear on the same page the words " of this Act " have been omitted.

Free use of timber by settlers, etc.

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencings, buildings, mining, prospecting, and other domestic purposes, as may be needed by

such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

Egress and ingress of settlers within forest reserves.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

Prospecting and proper and lawful acts permitted.

Lieu selection.

In cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant [, surveyed, nonmineral public lands which are subject to homestead entry, not exceeding in area the tract covered by such claim or patent: *Provided*, That nothing herein contained shall be construed to affect the rights of those who, previous to October first, nineteen hundred, shall have delivered to the United States deeds for lands within forest reservations and make application for specific tracts of land in lieu thereof]; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected: *Provided further*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

As amended by act of June 6, 1900, c. 802, v. 31, p. 614, which was reenacted in act of Mar. 3, 1901, c. 831, v. 31. p. 1037.

Unperfected claims.

NOTE.—That portion of the above paragraph contained in brackets is taken directly from the Act of June 6, 1900, 30 Stat. at Large, 36, and displaces from the Act of June 4, 1897, the following words: "land open to settlement exceeding in area the tract covered by his claim or patent."

Schools and churches.

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservations, and for that purpose may occupy any part of the said forest reservation, not exceeding two acres for each school house and one acre for a church.

Civil and criminal jurisdiction.

The jurisdiction, both civil and criminal, over persons within such reservation shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

Water use in forest reserves.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws

of the United States and the rules and regulations established thereunder.

Restoration of mineral or agricultural lands to the public domain.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain.

Mineral entries allowed within forest reserves.

And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

President may modify any executive order, etc.

The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Pamphlets containing laws, rules, regulations, and instructions.

NOTE 1.—The rules and regulations for the administration of the forest reservations, made by the Department of the Interior, in pursuance of the above act and other acts, together with decisions of the Attorney General construing the same, may be found in a pamphlet of the General Land Office, entitled "Compilation of Laws, and Regulations and Decisions thereunder, relating to the establishment of Federal Forest Reserves. Washington, 1903."

Instructions to the officers and employees in charge of the reserves have also from time to time been published in pamphlet form, as well as in the Decisions of the General Land Office.

The various proclamations of the President, establishing or modifying forest reserves, are found in the biennial volumes of the United States Statutes at Large, and may also be found in tabulated form on page 247 of this bulletin.

NOTE 2.—Act of June 4, 1897, does not give the Secretary of the Interior any new or additional authority to permit the use of a right of way through forest reserves and is not applicable to reservations created by special act of Congress. Opinion, 28 L. D., 474.

Feb. 16, 1889, c. 172, v. 25, p. 673.

NOTE 3.—Act of Feb. 16, 1889, provides "That the President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act then in that case such authority shall not be granted."

Indian lands. Disposal of dead and fallen timber.

June 7, 1897, c. 3, v. 30, p. 90. Indian reservations, Minnesota. Disposal of dead timber. Chippewas.

NOTE 4.—Act of June 7, 1897, provides that "The Secretary of the Interior may in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell or otherwise dispose of the dead timber, standing or fallen, on such reservation or any

part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this Act, then in that case such authority shall not be granted."

July 1, 1898, c. 545, v. 30, p. 593. Right to cut timber.

NOTE 5.—Act of July 1, 1898, provides that "the right is hereby granted to cut timber for mining and domestic purposes, at such prices and subject to such regulations as may be prescribed by the Secretary of the Interior, from that portion of the Colville Indian Reservation in the State of Washington which was vacated and restored to the public domain by the Act of July first, eighteen hundred and ninety-two, entitled 'An Act to provide for the opening of a part of the Colville Reservation in the State of Washington and for other purposes,' and the net proceeds arising from the disposition of said timber shall be set apart and disposed of according to the provisions of section two of said Act of July first, eighteen hundred and ninety-two, but primarily the expense incident to disposing of said timber, including compensation of such special agent as the Secretary of the Interior shall appoint, shall be paid out of any existing appropriation for the survey and allotment of said lands and shall be reimbursed and replaced from the proceeds arising from the disposition of the timber."

July 1, 1892, c. 140, v. 27, p. 62. Sale of timber; disposition of proceeds.

Boundaries of forest reserves to be determined by Commissioner of the General Land Office. Mar. 3, 1899, c. 424, v. 30, p. 1097.

COMPILED STATUTES, PAGE 1543.—Hereafter, all standard, meander, township, and section lines of the public lands surveys shall, as heretofore, be established under the direction and supervision of the Commissioner of the General Land Office, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of public forest reservations are required to be coincident with standard, township, or section lines such boundaries may, if not previously established in the ordinary course of the public land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries.

But Director of Geological Survey must first determine standard, township, and section lines.

NOTE.—This act supersedes so little of the provisions for surveying, etc., quoted above on page 18 of this bulletin, in the first paragraphs, under Act of June 4, 1897, that it is given here separately instead of being incorporated in that law by methods of revision.

Cutting in Alaska. May 14, 1898, c. 299, s. 11, v. 30, p. 414.

COMPILED STATUTES, PAGE 1533.—*Sec. 11.* The Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in the district of Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in the district of Alaska, but not for export therefrom. And such sales shall at all times be limited to actual necessities for consumption of the District from year to year, and payments for such timber shall be made to the receiver of public moneys of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys

Sale of public timber in Alaska.

Limit to sales.

arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office in a separate account, and shall be covered into the Treasury. The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber found upon the public lands in the said district of Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes.

Free use of timber in Alaska.

Use of material from public lands by telegraph and telephone companies. 24 July, 1866, c. 230, s. 1, v. 14, p. 221.

REVISED STATUTES, PAGE 1019.—*Sec. 5264.* Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

Use of public timber by railroads. Mar. 3, 1875, c. 152, s. 1, v. 18, p. 482.

NOTE 1.—Act of March 3, 1875, Comp. Stat., page 1568, grants to any railroad, duly organized, right of way through the public lands of the United States and gives to it the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad. For cases construing railroad grant laws, see "Compilation of Public Timber Laws and Regulations and Decisions Thereunder, 1903," which should be obtained from the General Land Office.

NOTE 2.—The provisions of the above Act of March 3, 1875, granting to railroads the right of way through the public lands of the United States, are not applicable to the forest reservations by virtue of sec. 5 of said Act, which reads as follows: "Sec. 5. This Act shall not apply to any lands within the limits of any military park or Indian reservation, or other lands especially reserved from sales, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed."

Rights of way to ditch companies. Mar. 3, 1891, c. 561, s. 18, v. 26, p. 1101.

ACT OF MARCH 3, 1891.—*Sec. 18.* That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to

Proviso.
Not to interfere with Government occupation.
Approval.

interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Maps to be filed.

Sec. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Approval.

Damages.

Applicable to all canals, etc.

Sec. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Proviso.

Forfeiture for noncompletion.

Use only for canal.

Sec. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

May 11, 1898, c. 292, s. 2, v. 30, p. 404.

NOTE.—Act of May 11, 1898, Sec. 2, provides "That the rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections eighteen, nineteen, twenty, and twenty-one of the Act entitled 'An Act to repeal timber-culture laws, and for other purposes,' approved March third, eighteen hundred and ninety-one, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation."

Jan. 21, 1895, c. 37, v. 28, p. 635.

Public lands.

Right of way for tram roads, canals, and reservoirs.

ACT OF JANUARY 21, 1895 (AS AMENDED BY ACT OF MAY 14, 1896 AND ACT OF MAY 18, 1898).—That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the public lands of the United States, not within the

limits of any park, forest, military or Indian reservation, for tramroads, canals, or reservoirs, to the extent of the ground occupied by the water of the canals and reservoirs and fifty feet on each side of the marginal limits thereof; or fifty feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber; [*Provided,*] That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within limits of any park, forest, military, or Indian reservations, for tramways, canals, or reservoirs, to the extent of the ground occupied by the water of the canals and reservoirs, and fifty feet on each side of the marginal limits thereof, or fifty feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, for the purposes of furnishing water for domestic, public, and other beneficial uses.

Amending act of May 11, 1898, c. 292, s. 1, v. 30, p. 404.

Width.

Use of water for domestic and public purposes.

Amending act of May 14, 1896, c. 179, v. 29, p. 120.

Sec. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and forest reservations of the United States, by any citizen or association of citizens of the United States, for the purpose of generating, manufacturing, or distributing electric power.

Rights of way for railroad, wagon road, or other highway. Mar. 3, 1899, c. 427, v. 30, p. 1233.

COMPILED STATUTES, PAGE 1584.—In the form provided by existing law, the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby.

Pleasure and health resorts. Feb. 28, 1899 c. 221, v. 30, p. 908.

COMPILED STATUTES, PAGE 1543.—The Secretary of the Interior * * * is hereby authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any forest reserves established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of the Interior is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this Act.

Compensation provided for.

Special fund for care of forest reserves.

Sec. 2. All funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of public forest reservations.

COMPILED STATUTES, PAGE 1584.—That the Secretary of the Interior be authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber and lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

Licenses to be granted within forest reserves. Feb. 15, 1901, c. 372, v. 31, p. 790.

Width of right of way.

Licenses must not be incompatible with the public interest.

Telegraph and telephone.

Licenses revocable and confer no easement.

COMPILED STATUTES, PAGE 1544.—[Re-enacted by clauses in all subsequent acts, appropriating money for "protection and administration of forest reserves."] Forestry agents, superintendents, and supervisors, and other persons employed under this appropriation, shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard to their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not to exceed three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares * * *: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Reservation staff. Mar. 3, 1899, c. 424, v. 30, p. 1095.

NOTE 1.—References to statutes, providing for and regulating the various national parks, will be found in tabulated form

National parks.

Military timber reservations.

on page 250 of this bulletin. A similar tabulated list of military timber reservations will be found on page 250 of this bulletin.

Private and local laws.

NOTE 2.—There are a number of private and local laws, granting to various parties rights of way and similar privileges on particular forest reservations. Not being of general interest, they have been omitted. They may be found in the biennial volumes of the Statutes at Large, and in the pamphlet, "Compilation of Forest Reservation Laws, Rules and Regulations," issued by the Department of the Interior.

Beginning of National forestry.

NOTE 3.—The first legislative action looking to National forestry was an appropriation of $2,000 to be used by the Commissioner of Agriculture as salary for a competent man to investigate timber conditions in the United States. (Act of Aug. 15, 1876, 19 Stat. at Large, 167.) In 1886, the Division of Forestry was made a permanent statutory part of the Department (Act of June 30, 1886, 24 Stat. at Large, 103) and in 1901, by provision of the Agricultural Appropriation Bill, the Division was enlarged into the Bureau of Forestry (Act of Mar. 2, 1901, 31 Stat. at Large, 929).

Division of Forestry.

Bureau of Forestry.

Morris bill. Chippewa Indian lands. June 27, 1902, c. 1157, v. 32, p. 400.

ACT OF JUNE 27, 1902.—[After providing for the sale of the pine timber on the lands of the Chippewa Indians in Minnesota, this act proceeds, on page 402]: *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to-wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnibigoshish, which said lands so selected shall be known and hereinafter described as "forestry lands", the purchaser shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior. *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than 320 acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes, and the lands reserved at Sugar Point and Pine Point peninsula shall remain as Indian land under the control of the Department of the Interior.

Forester of Department of Agriculture to select 200,000 acres.

Forestry lands.

Reforestation.

Forester to make rules and regulations.

Further reservations of timber.

Islands to remain as Indian land.

Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under

Purchasers to cut clean and remove all merchantable pine.

Time limit and rules.

such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior, and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. * * *

No timber except pine to be cut.

To burn or remove tops and refuse.

Indian labor.

After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this Act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this Act: *Provided*, That on the Forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further Act, resolution, or proclamation, forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the act of Congress approved March 3, 1891, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid, said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

After cutting, land to be opened to homestead entry.

Forestry lands to be forest reserve.

Cutting on forestry lands under rules of Forester.

* * * *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this Act, as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules, designating according to Government subdivisions said agricultural lands, not to exceed fifteen thousand acres of the lands already examined and not to exceed ten thousand acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created.

Forester to select agricultural land.

25,000 acres to become part of the forest reserve.

There shall be appointed by the Secretary of the Interior one superintendent and such assistants as he may deem necessary, whose compensation shall be fixed by the Secretary of the Interior, and for the superintendent shall not exceed six dollars per day, and for the assistants shall not exceed four dollars per day

Superintendent and assistants to supervise cutting.

each, while actually employed, and whose duties shall be to supervise the cutting and scaling of the timber sold under the provisions of this Act, and to see that the rules and regulations prescribed by the Forester and the Secretary of the Interior are complied with, and generally to perform such services in and about the sale of the pine timber on said lands, and the cutting of the same therefrom, and the care and protection of all timber on said lands, as may be required of them by said Forester and said Secretary.

Rules to be enforced.

* * * * *

Expenses to be paid from timber sales.

All the expenses incurred in carrying out the provisions of this Act, as to the examining and listing of said lands, and the selling, cutting, and scaling of said timber, shall be paid by the Secretary of the Interior out of the proceeds of the sale of said timber: *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians.

Except expenses of the forestry provision.

ALABAMA.

Township timber lots.

CODE OF ALABAMA.—*Sec. 3626.* The township trustees, after the surveys and plats provided for in this article, may select such lots as they think proper, to reserve from cultivation, for the benefit of the timber thereon, and must mark the same "reserved" on the plat thereof.

NOTE.—The lots here referred to are the school lands (sixteenth and thirty-sixth sections). (See section 3625, not here inserted.)

No cutting without permit.

Sec. 3631. The lots reserved for timber are for the common benefit of the lessees of the other lots; but no timber must be cut down, injured, or destroyed, as long as there is sufficient on the other lots, which the township trustees are to determine; and the lessee must, in no case, cut down, injure or destroy such timber without permission from the township trustees, which may be given on such terms as they may think proper, having due regard to the interests of the township.

Punishment for trespass on town lots.

Sec. 3632. Any person who, without authority, cuts down, injures or destroys any tree on school lands, shall forfeit and pay for every such tree ten dollars, to be recovered before any court having jurisdiction, in the corporate name of the township.

School fund from fines.

Sec. 3633. All fines and forfeitures under the preceding section shall be paid into the state treasury and added to the principal of the school fund of the township.

CALIFORNIA.

Redwood Park.

LAWS OF 1901, CHAP. 162.—Whereas the redwood forests of California are rapidly disappearing, before the demands of commerce and the ravages of fire, and will shortly be extinct unless adequate means are taken for their perpetuation; and whereas these trees are the oldest and largest in the world and, being peculiar to California, contribute to her fame and are naturally the subject of state pride and protection; therefore it is enacted that

California Redwood Park Commission.

Sec. 1. The governor of the State of California and four other commissioners appointed by the governor shall constitute the Cali-

fornia Redwood Park Commission, whose duty it shall be to select such land from that tract of land commonly known as the Big Basin, situated in Santa Cruz and San Mateo Counties, in the State of California, upon which are growing trees of the species known as sequoia sempervirens, and which in the judgment of said commission is most suitable for a park, the purpose of which is to preserve a body of these trees from destruction and maintain them for the honor of the State of California and for the benefit of succeeding generations. The commissioners appointed by the governor shall hold office for four years. Vacancies shall be filled by the governor.

Appropriations.

NOTE.—Section 2 simply appropriates $250,000 to be used, $50,000 per year, in purchasing land suitable for the California Redwood Park. In Laws of 1903, Chap. 300, a further sum of $10,000 is appropriated for the care of this park.

Powers of commission.

Sec. 3. The commission shall have the power to purchase such land or any portion thereof, or it may proceed by action at law in the superior court to condemn the same or any portion thereof, in the name of the people of the State of California. The commission may also receive contributions from any source for the purchase of additional lands, and the care and maintenance of lands and forests under its charge.

Powers of commissioners.

Sec. 4. The said commissioners shall have no salary, but shall have full power and control over the said park, and over the funds provided for the purchase and maintenance of the same, and shall make and enforce all necessary rules and regulations for the care, maintenance and government of the same, and for carrying out the purposes of this act.

Title to land purchased for park purposes.

Sec. 5. No payment of any part of the said sum of two hundred and fifty thousand dollars shall be made, until an abstract or abstracts of title shall have been furnished to the Attorney General of the State of California, showing that the said lands and the whole thereof are free from any valid lien or incumbrances thereon; and it is hereby made the duty of said attorney general to examine said abstract or abstracts of title, and to render and deliver to said commission his opinion in writing, certifying that no valid liens or incumbrances exist thereon, and that the title to said lands and the whole thereof is valid. Said opinion of the attorney general, together with said abstract or abstracts of title shall be filed in the office of the secretary of state.

Cooperation with Bureau of Forestry to formulate a State forest policy.

LAWS OF 1903. CHAPTER 155.—*Sec. 1.* The state board of examiners are hereby empowered to enter into contracts * * * with the Chief of the Bureau of Forestry of the Department of Agriculture, for the purpose of studying the forest resources of the State and their proper conservation, and especially with a view to formulating a proper state forestry policy, to the extent of fifteen thousand dollars; * * * Provided, however, That these expenditures for such purposes shall not be in excess of the amounts to be expended by the [Bureau of Forestry of the Department of Agriculture] in collaboration with the specifie work named above; * * *

Rights of persons making investigation.

Sec. 2. In order to carry out the purposes of this act, any person or persons employed hereunder are authorized to enter and cross all lands within this state; provided in so doing no damage

Penalties.

is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to wilfully and maliciously remove or destroy any permanent marks or monuments made or erected by any such person.

Appropriations.

Sec. 3. The sum of fifteen thousand dollars is hereby appropriated for the purposes specified in this act, and the controller of the state is hereby authorized and directed to draw warrants upon such funds from time to time, upon the requisition of the state board of examiners and the state treasurer is hereby authorized and directed to pay such warrants; provided, one-half of the appropriation herein shall be available in the fifty-fifth fiscal year, and the remaining one-half of said appropriation shall be available in the fifty-sixth year.

Duty of surveyor-general, etc.

Sec. 4. It is hereby made the duty of the surveyor general and the engineer of the board of public works to render any assistance desired by the state board of examiners in furtherance of the aims of this act.

Calaveras Grove.

NOTE.—By two joint resolutions (S. J. R. No. 15 and A. J. R. No. 14, Laws of 1901), the legislature of California "pledge the government and people of the State of California, in the event of a passage by Congress of an act making an appropriation for the purchase or condemnation of the Calaveras sequoia grove, to assume its management and the expense of its maintenance and protection."

COLORADO.

Echo Mountain Park.

MILLS ANNOTATED STATUTES.—*Sec. 3654.* The State Land Board of the State of Colorado are hereby authorized to locate out of any of the unconfirmed state land belonging to the internal improvement land, not less than 640 acres, in that portion of Saguache County that shall include the Royal Arch and Echo Mountain.

To be held by State.

Sec. 3655. Whenever said land shall have been located by the Board of Land Commissioners, which shall be within ninety days after the passage of this act, the same shall be set apart and forever held by the state as a state park.

Land Board to control.

Sec. 3656. It is hereby provided that the State Land Board shall have full control of said land, as is now provided for other lands belonging to the state, and that all rents, profits or interest arising from the same, shall be turned into the state internal improvement fund.

Tree preservation.

LAWS OF 1901, CHAP. 83, PAGE 185.—*Sec. 1.* No trees needed to conserve the snows, ice or water of any irrigation district shall be cut from any part of the public domain, except as hereinafter provided.

Permit to cut trees; how obtained.

Sec. 2. Any person desiring to cut trees upon any lands owned by the state shall make application in writing to the registrar of the State Board of Land Commissioners, which application shall contain: (a) A complete legal designation of the lands upon which it is desired to cut the trees; (b) the purposes for which such trees are to be used; (c) that he will carefully protect from fires or other damage all trees less in size than those desired to cut; (d) that he will entirely remove, as directed by the State Board of Land Commissioners, all cut trees and their branches in

such manner that fires may not consume the smaller trees; (e) that such trees as are desired for use are not necessary for the conservation of the irrigaion waters of any irrigation water-shed.

Cost of examining land for tree-cutting.

Sec. 3. The registrar of the State Board of Land Commissioners shall, on receiving such application, refer the same to the appraiser of state lands, who shall estimate the cost of examining and reporting upon the said application, and the said registrar of the State Board of Land Commissioners shall thereupon require of the applicant a certified check payable to the State Board of Land Commissioners, covering the costs as estimated by the said appraiser of state lands, as well as the costs of all other proceedings, directed in this act, to determine whether such trees can be lawfully cut.

Advertisement.

Sec. 4. The registrar of the State Board of Land Commissioners shall cause the application of said person to cut trees to be published, for the full period of thirty days in one or more daily or weekly newspapers having such circulation as will fully advise the water users of the irrigation area upon the water-shed on which such trees are growing of the pendency of such application and that protests to the granting of the application must be made within twenty days from the date of the last publication, which date shall be given such published notice.

Protests.

Sec. 5. Any water user of any irrigation district thus affected may protest to the State Board of Land Commissioners against allowing said trees to be cut.

Examination and report.

Sec. 6. Upon the expiration of the time for making protests as provided in section 4 of this act, the registrar of the State Board of Land Commissioners shall refer all papers and proceedings to the appraiser of state lands, who shall thereupon personally inspect the designated lands and the trees growing thereon and carefully consider the protests, if any, from the water users, and thereupon shall report in writing to the registrar of the State Board of Land Commissioners advising that such trees may be properly disposed of, or against allowing the same to be done; but no trees less than ten inches in diameter two feet above the ground shall be allowed to be cut by any person whomsoever; except for mining and fencing purposes, trees may be cut of five (5) inches in diameter for use within the same county.

Diameter limit in cutting.

Notice to protesting parties.

Sec. 7. Should the report of the appraiser of state lands advise that the trees desired may be properly disposed of, the registrar of the State Board of Land Commissioners shall at once notify by registered letter each and every protesting water user, if any, and such protesting water user or users shall thereafter be allowed fifteen days in which to commence injunction proceedings in any court of competent jurisdiction restraining the State Board of Land Commissioners from disposing of said trees, and the State Board of Land Commissioners shall make no defense to the proceedings in injunction by said water users except at the full cost of the applicant desiring to cut said trees from the state lands. Should there be no protests, or should injunction proceedings fail, the said trees desired by said applicant shall be advertised in the paper having the greatest circulation within the state for a period of four weeks, one insertion during each week, and thereafter pub-

Injunction proceedings.

Costs.

Sale to highest bidder.

licly sold at the state capitol in the city of Denver to the highest bidder, and if such highest bidder be some person other than the applicant, the legitimate costs of said applicant in prosecuting his application, which costs shall only be the expenses incurred by state officials, as herein provided, shall be returned to the applicant: *Provided*, No bids shall be received which do not include the costs incurred by said applicant in determining the right to cut the desired trees. Should the appraiser of state lands report adversely to the cutting of the trees desired by applicant, or injunction proceedings bar a sale, said applicant shall not recover any of the costs incurred by reason of this act.

Costs returned.

Bond required.

Sec. 8. The State Board of Land Commissioners shall require of all persons cutting trees upon state lands a bond in a sufficient amount, with good and approved security, for the carrying out in good faith of the provisions of this act.

Definition of tree.

Sec. 9. For the purposes of this act the word tree shall be held to mean all vegetable growth of a woody texture of any size whatsoever. No lands contemplated in this act shall be leased for any purpose whatsoever that will destroy the tree growth.

NOTE.—Sec. 10 of this act refers to forest fires, and will therefore be found on page 146 of this bulletin.

Permit for camping.

Sec. 11. No person, party or parties, shall be allowed to camp, either for business or pleasure, in any forest district of this state outside of the county in which they legally reside, without first taking out a permit to do so. Such permit shall bear such part of this act as relates to fires and their care, and shall be issued by the clerk of any county court within the state upon the payment of the sum of fifty cents as a fee. Permits must at all times be produced and shown to any game or forest warden, land appraiser, constable, sheriff, or other official empowered by law to demand the same, and such permit may be taken up by such warden, land appraiser or other official whenever the holder thereof shall wilfully violate the provisions of this act.

Camping of nonresidents.

Sec. 12. Non-residents of this state shall not camp within the forest districts for pleasure until they shall have obtained the services, at their own cost, of a game or forest warden as conservator of the state's interests, and such warden will be held strictly responsible for the care and prevention of fires from extending to the forest areas.

NOTE.—Sec.. 13 and 14 will be found, respectively, on pages 146 and 202 of this bulletin.

County appraisers.

Sec. 15. For the purpose of more fully carrying out the provisions of this act, the State Board of Land Commissioners are hereby empowered to employ such number of persons, not exceeding six, as in their judgment are necessary. Such persons shall

Compensation.

be known as deputy appraisers. They shall receive for their services the sum of ($5) five dollars per diem, and shall have authority to arrest all violators of this act, without warrant, and deliver them to the most accessible justice of the peace or other officer authorized by law to act in such cases.

Penalty for criminal act.

Sec. 16. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not less than ten, nor more

than one hundred dollars, or by imprisonment of not less than fifteen days nor more than sixty days, or by both fine and imprisonment as the court may direct. Suit may also be brought in the name of the state for damages arising from fires destroying the timber or the trees of the state whenever such damage has been caused by any violation of the provisions of this act by any person or persons engaged in any business or pleasure pursuit whatever. Civil suits.

Sec. 17. The district attorneys of the various judicial districts of the state are hereby directed to prosecute in the name of the state all cases arising under this act. District Attorneys to prosecute.

Sec. 18. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 19. In the opinion of the general assembly an emergency exists; therefore, this act shall be in force from and after its passage. Emergency.

CONNECTICUT.

REVISED STATUTES.—*Sec. 4448.* The Board of Control of the Connecticut Agricultural Experiment Station shall appoint a state forester to hold office during the pleasure of the board; he shall have an office at the experiment station, but shall receive no compensation, other than his regular salary as a member of the station staff. State forester.

Sec. 4449 (As amended by Sec. 3, chap. 132, Laws of 1903). The state forester may buy land in the state suitable for the growth of oak, pine or chestnut lumber, at a price not exceeding four dollars per acre, to the amount of the appropriation for that purpose, which land shall be deeded to the state and shall be called a state forest. He may plant such land with seed or seedlings of such trees as he may deem expedient, exchange the lands so bought with adjoining proprietors, and for and in behalf of the state execute deeds for such purpose; fence said lands with substantial wire fencing, not barbed; protect said lands from forest fires and trespassers; preserve the game, fish and timber thereof; and may employ such local assistants as may be necessary. He shall be the custodian of such lands and shall pay from the sum biennially appropriated the town taxes upon said land when assessed at the same rate as similar adjoining lands, and, with the approval of the governor and attorney-general, may sell portions of the same, when they shall command a greater price than cost and interest thereon, and may execute a deed thereof, for and in behalf of the state. To buy and manage land. Amended by sec. 3, chap. 132, acts of 1903. The state forest. State to pay town taxes.

NOTE.—This section is printed as amended by Sec. 3 of Laws of 1903, Chap. 132, which increased maximum price per acre from $2.50 to $4 and changed the name "park" to "forest."

Sec. 4450. The disbursements of the state forester shall be paid by the comptroller upon the audit of the state board of control. Finance, etc.

LAWS OF 1903, CHAP. 132.—*Sec. 1.* The state forester is authorized to make thinnings in the woodland of the state forest, and to take such other measures as he may deem necessary to bring about a profitable growth of the timber thereon. Thinnings.

Selling timber.

Sec. 2. The state forester is authorized to sell wood and timber from the state forest whenever he shall deem such sale desirable, the proceeds of which sales shall be used by him for the maintenance and care of the forest as specified in this act and in section 4449 of the general statutes as hereby amended, and he shall render an account for the same to the State Board of Control.

Sec. 4449 amended.

NOTE.—Sec. 3 amended Sec. 4449 of the Revised Statutes by increasing price per acre from $2.50 to $4 and changing "park" to "forest."

Appropriation.

Sec. 4. The sum of two thousand dollars for the fiscal years ending September 30, 1905, is hereby appropriated for carrying out the provisions of this act and of section 4449 as hereby amended.

Woodland for game preserves.

NOTE.—Revised Statutes, Sec. 3197, provides that the Commissioners of Fisheries and Game may lease woodland in tracts of not more than 300 acres nor less than 50, for preserving game and game birds. Sec. 3198 provides that commissioners must lease not more than three such tracts in any one town when petitioned to do so by five resident land owners. Sec. 3199 provides that the owners of leased lands may use the land for all purposes except killing game. Sec. 3200 provides for lease of such adjacent open land as may be deemed essential to game preservation. Sec. 3201 provides that recording of lease shall be sufficient evidence that a trespasser knew the nature of the preserve. Sec. 3202 provides that five dollars shall be maximum rental. Sec. 3203 provides that hunting shall not be allowed on preserves in open season of rest of State. Sec. 3204 provides that hunting within preserves is unlawful.

HAWAII.

Forest reserves

COMPILED LAWS.—*Sec. 1610.* Whereas, it is an established fact that the destruction of forests in any country tends to diminish the supply of water, Therefore,

Be it enacted, etc.

That the governor is hereby authorized to set apart and cause to be protected from trespass by animals or otherwise such woods and forest lands, the property of government, as may in his opinion be best suited for the protection of water sources and the supply of timber and fruit trees, cabinet woods and valuable shrubbery.

Superintendent of forest reserves.

Sec. 1611. For the purposes contemplated in sections 1610–1614 the governor is hereby authorized to appoint some competent person as superintendent of woods and forests, who shall, under the direction of the said governor, enforce such rules and regulations as may be established to protect and preserve such reserved woods and forest lands from trespass. Said superintendent shall have charge of the construction of all fences and barriers required to protect the said woods and forest lands, and shall be responsible for their being kept in good condition. He shall, under the direction of the said governor, be empowered to cause the arrest of

Trespassers.

any trespassers on such lands, and all constabulary or police of the districts in which such woods and lands may be situated are hereby required to assist the said superintendent in carrying out the directions of the said governor in the premises. And it is hereby made an offense, punishable by a fine not to exceed one

Penalty.

hundred dollars, or imprisonment at hard labor not to exceed one year, upon conviction before any district magistrate of any person

who will violate any of the rules and regulation established as aforesaid tabuing such woods and forest lands.

Sec. 1612. (Obsolete.)

Extinguishment of private title.

Sec. 1613. Whenever it shall be necessary to extinguish any private right or title in any woods or lands required to fully carry out the intention of sections 1610–1614, the fair valuation of the same shall be determined by referees agreed upon by and between the parties interested therein and the governor, and the valuation so adjudged and determined shall be the extreme limit of the price to be paid by the government for such woods or lands, and upon making tender of such price so determined by the referees, it shall be lawful for the said governor to take possession of such woods and lands for the purposes aforesaid.

Referees.

Tender of agreed price.

Compensation.

Sec. 1614. The superintendent of woods and forests shall receive for the faithful performance of the duties of his office such sum as the governor shall direct.

ILLINOIS.

Examination of Illinois forests by U. S. Department of Agriculture.

LAWS OF 1903, PAGE 359.—Whereas, Many of the forests heretofore existing within the State of Illinois have been destroyed and the forest area of said State is diminishing from year to year, to the manifest injury of the inhabitants of said State; therefore, be it

Resolved * * *, That the Department of Agriculture of the United States of America be, and it is hereby, requested to make an investigation as to the condition of the forests within the boundaries of the State of Illinois and make report thereof, together with such recommendations as shall seem proper, as to the means necessary to be adopted for the purpose of preserving the forests now in existence and of encouraging the propagation, growth and protection of forests in general within said State; said report to be made [to] the Government of this State with all convenient dispatch.

INDIANA.

Act amended.

BURN'S ANNOTATED STATUTES, VOL. III, REVISION OF 1901.—*Sec. 6628k* (*As amended by act of Feb. 28, 1903, page 111, sec. 1*). That a board is hereby created and established which shall be known under the name of the State Board of Forestry. It shall consist of five members, who shall be appointed by the Governor, as follows: One from the membership of the Hardwood Lumber Dealers' Association of Indiana, one from the membership of the Retail Lumber Dealers' Association of Indiana, one from the faculty of Purdue University, one who is actively engaged in farming and one who shall have special knowledge of the theory and art of forest preservation and timber culture and technical knowledge of the topography of the State, and the last described member, shall, upon his appointment and qualification become and be the secretary of said board, ex-officio State Forester and Superintendent of State Forest Reserves. All of said members shall hold their offices for a term of four years, and each of said members, except the secretary, who is hereinafter provided for, shall receive a salary of one hundred dollars per annum and mileage not to

State Board of Forestry. Members thereof to be appointed by Governor.

Secretary of Board.

Term and compensation of board members.

exceed three cents a mile for necessary miles traveled in attending necessary meetings of said board. Said salary and mileage shall be paid out of the treasury of the State upon warrants of the Auditor of State, and the members shall certify the amount due them, separately, upon vouchers duly attested before some officer authorized to administer oaths. A majority of said board shall constitute a quorum, and said board shall annually elect from its members a president: Provided, That members of the board heretofore appointed shall serve during the term for which they were appointed.

How paid.

Quorum.

Proviso.

Oath of office.

Sec. 6628l. Before entering upon the discharge of their duties, the members of said board shall each take and subscribe an oath of office before the clerk of the supreme court that they will faithfully and honestly discharge the duties of said offices, which oath of office shall be filed in the office of the secretary of state.

Meetings of board of forestry.

Sec. 6628m. The board shall meet at least once each quarter in the city of Indianapolis and as often as they may deem necessary upon five days' notice signed by the president and secretary, and in the absence of the president, a chairman shall be chosen to preside. The minutes of all meetings shall be recorded by the secretary in a book to be kept for that purpose.

Duties.

Sec. 6628n. It shall be the duty of said board to collect, digest and classify information respecting forests, timber lands, methods of forest preservation and timber culture, and to recommend plans and methods for forest preservation and timber culture, and for the establishment of state forest reserves. The board shall, annually, on or before the first day of December, file with the governor a report.

Secretary. Office.

Duties.

Sec. 6628o. The secretary of the board shall keep his office at Indianapolis, in a room to be furnished said board by the custodian of the state house, and shall perform such duties as are prescribed by this act or may be required by the board; and he shall, as far as practicable, submit to the associations and meetings of timber dealers, woodworkers, farmers and engineers of maintenance of way of railroads, information and facts as to forests and timber.

Act amended.

Salary of Secretary and Assistants.

How paid.

Sec. 6628p (*As amended by Act of Feb. 28, 1903, page 111, sec. 2*). The secretary and state forester shall receive an annual salary of eighteen hundred dollars. For expenses of office and traveling, an amount not exceeding $1,000; clerk six hundred dollars ($600). Said secretary shall give his exclusive time and attention to said office and shall not hold any other office, appointment or position other than herein provided for. The president of the board shall quarterly certify the amount due the secretary upon vouchers duly attested by the secretary before some officer authorized to administer oaths, and the amount so certified shall be paid to the secretary out of the treasury of the State upon warrant of the Auditor of State. That [sic] expenses of publication shall be paid from expense fund of the State Printing Board.

LOUISIANA.

ACTS OF 1904, PAGE 244.—*Sec. 1.* There is hereby established a Department of Forestry to consist of the Register of the State Land Office, who shall be ex-officio Commissioner of Forestry, and four other citizens of the State, who, together, shall constitute the State Forestry Commission; each of whom shall be appointed and commissioned by the Governor, for a term of four years. Provided, the ex-officio Commissioner of Forestry shall receive as compensation for the performance of the duties imposed on him by this act five hundred dollars per annum and that the other members shall serve without other compensation than actual expenses, not to exceed one hundred dollars per annum each, incurred in the performance of their duties, all payable out of any funds of the State not otherwise appropriated, on the warrant of the Commissioner of Forestry.

Department of Forestry.

Commissioner of Forestry.

Sec. 2. It shall be the duty of the Commission provided for in Section 1 of this act, to inquire into and report upon the forest conditions of the State of Louisiana, with reference to preservation of forests, the reforesting of denuded lands, the effects of the destruction of forests upon climatic conditions, generally upon all matters pertinent to the subject of Forestry as generally understood in the United States; to report at each session of the General Assembly the results of their investigations, to advise as to what legislation relative to Forestry may be advisable, and to perform such other duties as may be imposed upon them by this and other acts.

Duties.

Sec. 3. Until otherwise provided five hundred dollars per annum, or as much thereof as may be necessary, is hereby appropriated out of the general fund to defray the expense of clerical work and printing necessitated by the investigations and reports provided for in Section 2 of this act, payable upon the warrant of the Commissioner of Forestry.

Compensation.

NOTE 1.—Sections 4 to 14 inclusive and section 16 may be found on page 151 of this bulletin.

NOTE 2.—Section 15 may be found on page 205 of this bulletin.

Sec. 17. Woodland territory within the terms of this act shall be construed to mean forest and brush land.

Woodland defined.

Sec. 18. All moneys received as penalties for violating the provisions of this act shall be paid into the parish treasury of the parish wherein the offense occurred, and the treasurer of the parish shall pay the same forthwith to the treasurer of the police jury ward where the offense occurred, to be used in defraying the expenses of enforcing the provisions of this act within such police jury ward.

Disposal of fines.

Sec. 19. The Forest Commissioner shall annually on or before the first day of December make a written report to the Governor of his doings in respect to the duties herein assigned him, together with an itemized account of the expenses incurred in carrying out the provisions of this act, which report shall include such statistics and facts as he has obtained from the chief fire warden and from the several fire wardens of the State, and from other sources, to-

Annual report.

gether with his suggestions relative to the preservation of the forests of the State and the prevention and extinguishment of forest fires.

NOTE.—Section 20 may be found on page 235 of this bulletin.

MAINE.

Forest commissioner.

LAWS OF 1891, CHAP. 100 (AS AMENDED BY CHAP. 192, LAWS OF 1893, AND CHAP. 168, LAWS OF 1903).—*Sec. 1.* The state land agent is hereby made forest commissioner of the State of Maine, and in addition to the salary now received by him as land agent he shall

Compensation.

receive as compensation for his services as forest commissioner four hundred dollars per annum and his actual traveling expenses incurred in the performance of his duties, an account of which shall be audited by the governor and council.

To gather information.

Sec. 2. It shall be the duty of the forest commissioner to make a collection and classification of statistics relating to the forests and connected interests of the state, and to institute an inquiry into the extent to which the forests of Maine are being destroyed by fires and by wasteful cutting and to ascertain so far as he can as to the diminution of the wooded surface of the land upon the water sheds of the lakes, rivers and water powers of the state and the effect of such diminution upon the water powers and on the natural conditions of the climate. The information so gathered by him, together with his suggestions relative thereto, shall be included in a report to be made by him annually to the governor on or before the first day of December.

Forest fires.

NOTE.—Sections 3 to 9 inclusive of this act will be found on page 155 of this bulletin. Sections 10 to 14 inclusive, on page 206.

Elementary instruction in forestry.

Sec. 15. The forest commissioner shall take such measures as the state superintendent of common schools and the president of the state college of agriculture and the mechanic arts may approve, for awakening an interest in the behalf of forestry in the public schools, academies and colleges of the state, and of imparting some degree of elementary instruction upon this subject therein.

Publications.

Sec. 16. The forest commissioner shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands, and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application.

Law to be posted.

Sec. 17. It shall be the duty of the forest commissioner to cause, at the expense of the state, copies of this chapter and all other laws of the state relating to forest fires to be printed and freely distributed to the selectmen of all the towns of the state, whose duty it shall be to post them up in school houses, saw mills, logging camps, and other places, and similar copies shall be furnished to owners of forest lands, who may apply for them, to be posted up at the expense of such owners. Any person viciously or wantonly tearing down, destroying or defacing any such notice, shall on conviction thereof, be punished by a fine of five dollars.

Sec. 18. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but none of the penalties imposed by this act shall be considered as substitutes for or as repealing the provisions of existing laws, making persons guilty of acts of trespass liable for civil damages to persons injured by such acts. Repeals except for penalties.

RESOLVES OF 1903, CHAPTER 102.—Whereas certain permanent and summer residents of this state have taken steps to memorialize Congress for the establishment of a national forest reserve in the White Mountain region; and White Mountain Forest Reserve.

Whereas the establishment of such a reserve would perpetuate valuable forest growths and forever preserve the headwaters of several important streams and thus benefit the commerce, industry and agriculture of all the New England states save one; and

Whereas the White Mountain region is of increasing importance as a pleasure resort to fully one-quarter of the entire population of the country who reside within easy reach of it, Therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

That the legislature of Maine hereby expresses its approval of the proposition to establish a White Mountain national forest reserve.

That the consent of the State of Maine be and is hereby given to the acquisition by the United States by purchase, gift or condemnation according to law of such lands in this state as in the opinion of the federal government may be needed for the establishment of a national forest reserve in the White Mountain region.

That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition of lands in this state for the purposes of such a national forest reserve.

That power is hereby conferred upon Congress to pass such laws and make, and provide for the making of such rules and regulations of both civil and criminal nature and provide punishment for the violation thereof, as in its judgment, may be necessary for the management, control and protection of such lands as may from time to time be acquired by the United States under the provisions of this joint resolution; provided, that the State of Maine shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases and such criminal process as may issue under the authority of the state against any person charged with the commission of crime without or within said jurisdiction, may be executed therein in like manner as if this joint resolution had not been passed.

That the Senators and Representatives in Congress from this state are hereby requested to urge upon Congress the importance of prompt and favorable action on behalf of the proposition to establish a White Mountain national forest reserve.

NOTE 1.—See the similar resolution passed by New Hampshire, page 56, of this bulletin. Bounty on porcupine-killing.

NOTE 2.—Laws of 1903, Chap. 239, provide that a bounty of twenty-five cents for every porcupine killed in the state, shall be paid by the township.

MASSACHUSETTS.

Town forests.

REVISED LAWS, CHAP. XXVIII.—*Sec. 23.* A town by a vote of two-thirds of the legal voters present and voting at a town meeting, or a city in which the city council consists of two branches, by a vote of two-thirds of the members of each branch, and a city in which there is a single legislative board by a vote of two-thirds of the members thereof, present and voting thereon, may take and purchase land within their limits, which shall be a public domain and may appropriate money and accept gifts of money and land therefor. Such public domain shall be devoted to the culture of forest trees, or to the preservation of the water supply of such city or town, and the title thereto shall vest in the Commonwealth for the benefit of the city or town in which it lies.

Condemnation proceedings.

Sec. 24. A description of the land taken, sufficiently accurate for its identification, shall within sixty days after such taking, be filed by such city or town in the registry of deeds for the county or district in which the land is situated, and shall be recorded therein. Damages occasioned by such taking may be recovered as provided in the case of the taking of land for a highway.

State Board of Forestry.

Sec. 25. The State Board of Agriculture shall act as a board of forestry without pay, except for necessary expenses, and shall have the supervision and management of all such public domains. It shall make regulations for their care and use, and for the planting and cultivating of trees therein, and shall appoint one or more keepers who, under its direction, shall have charge of each public domain, enforce its regulations, perform such labor thereon as it requires; and who shall, within such public domain, have the power of constables and police officers in towns.

Finances.

Sec. 26. Said Board may lease any building on the public domain, and shall apply all sums derived from rents or from the sale of the products of any such domain so far as necessary, to the management thereof; but it shall not expend thereon in any year a sum larger than it so receives. The surplus remaining in any year shall be paid over to the city or town in which such domain is situated.

Buildings.

Sec. 27. The city or town in which any such public domain is situated may with the approval of said board, erect thereon any building for public instruction or recreation.

Appropriation.

Sec. 28. No land shall be taken or purchased for a public domain, no building erected thereon and no expenditures authorized, or made, or liability incurred therefor, until an amount sufficient to cover the estimated expense thereof in a town has been appropriated therefor as provided in section twenty-three; and all contracts made for expenditures in excess thereof shall be void. The expenditures shall not exceed the appropriations therefor.

Bonds.

NOTE.—Sec. 29 of this act provides that any city or town may issue bonds to cover expense of purchasing or improving the "public domain" above provided for.

Penalty.

Sec. 30. Whoever violates any rule or regulation for the government or use of any public reservation, park-way or boulevard made under authority of law by any board or officer in charge thereof,

shall, for each offense, be punished by a fine of not more than twenty dollars.

ACTS AND RESOLVES OF 1904, CHAP. 409.—*Sec. 1*: The governor, with the advice and consent of the council, shall appoint an officer to be known as the state forester, who shall receive an annual salary of two thousand dollars. He shall be a trained forester who has a technical education. He shall serve for the term of one year, unless removed for cause by the governor and council, or until his successor has been appointed and has qualified for office. The term of his office shall begin on the first day of July. The state forester shall be, ex-officio, a member of the state board of education. State forester.

Sec. 2. It shall be the duty of the state forester to promote the perpetuation, extension and proper management of the forest lands of the Commonwealth, both public and private. He may upon suitable request give to any person owning or controlling forest lands aid or advice in the management thereof. He shall give such a course of instruction to the students of the Massachusetts Agricultural College on the art and science of forestry as may be arranged for by the trustees of the college and the forester; and shall perform such other duties from time to time as may be imposed upon him by the governor and council. The state forester shall have the right to publish the particulars and results of any examination or investigation made by him or his assistants on to any lands within the Commonwealth, and the advice given to any person who has applied for his aid or advice. Any recipient of such aid or advice shall be liable to the state forester for the necessary expenses of travel and subsistence incurred by him or his assistants. The state forester shall account for moneys received under this clause according to the provisions of section five. Duties of state forester. Forestry to be taught. Publication. Expense of cooperation.

Sec. 3. The state forester may establish and maintain a nursery for the propagation of forest tree seedlings on such lands as the trustees of the Massachusetts Agricultural College may set aside for that purpose on the college grounds at Amherst. Seedlings from this nursery shall be furnished to the Commonwealth without expense for use upon reservations set aside for the propagation of forest growth for other than park purposes. He may distribute seeds and seedlings to landowners, and citizens of the Commonwealth, under such conditions and restrictions as he may, subject to the approval of the governor and council, deem advisable. Forest nursery.

Sec. 4. The state forester is hereby empowered, subject to the approval of the governor and council, to hire such assistants as he may need in the performance of his duties, and to fix their salaries. Assistants.

Sec. 5. The state forester shall annually, on or before the thirty-first day of December, make a written report to the general court of his proceedings for the year ending on the thirty-first day of December, together with such recommendations as he may deem proper, and with a detailed statement of the receipts and expenditures incident to the administration of his office. His report shall be printed in the report of the state board of agriculture. Annual report.

Annual expenditure.

Sec. 6. A sum not exceeding five thousand dollars may be expended annually by the state forester, with the approval of the governor and council, in carrying out the provisions of this act.

Greylock State Reservation.

NOTE 1.—Acts and Resolves of 1898, Chap. 543, provides that the governor shall appoint a commission to obtain land, not more than 10,000 acres, situate in the Greylock mountain range and to be known as the Greylock State Reservation. For this purpose the act appropriates $25,000. It further provides that the expenses of maintaining the reservation shall be paid by the County of Berkshire, in which it is situated.

Additional lands for Greylock State Reservation.

Acts and Resolves of 1902, Chap. 514, appropriates $20,000 more to enlarge the Greylock State Reservation and provides that the County of Berkshire shall pay the expense of caring for this additional land.

Mount Tom Reservation.

NOTE 2.—Acts and Resolves of 1903, Chap. 264, provides that the counties of Hampshire and Hampden shall decide by vote whether these two counties would undertake the expense of a tract of land to be known as the Mount Tom Reservation, not to exceed 1,500 acres and to be situated in the Mount Tom range of mountains in the County of Hampshire. An appropriation of $35,000 was made to carry out this act.

Metropolitan parks.

NOTE 3.—A considerable part of the lands under jurisdiction of the Metropolitan Park Commission, in the neighborhood of the city of Boston, constitutes in effect a forest reserve. The duties and powers of said commission are defined in chapter 407, acts of 1893; chapter 450, acts of 1895, and numerous subsequent acts of a minor character. As most of the matter in these laws, however, concerns urban parks and boulevards, these statutes are not here included.

Bringing in moths or their eggs.

NOTE 4.—Revised Laws, Chap. 208, Sec. 108, makes it an offense, punishable by fine of not more than $25 or imprisonment not more than 60 days, to bring any gipsy or brown-tail moths or their eggs into the State.

MICHIGAN.

Forestry Commission.

PUBLIC ACTS OF 1899, No. 227—*Sec. 1.* A commission to consist of three members is hereby constituted, one the Commissioner of the State Land Office and two to be chosen by the governor by and with the consent of the Senate; one of whom shall hold his office for the term of two years and one for four years. The appointment shall date from July first, 1899. The term of the commissioner of the State Land Office as a member of this commission shall be co-extensive with his term as commissioner of the State Land Office. At the expiration of the terms of the appointive members their successors shall be appointed each for a term of four years. Such commission shall elect one of its members president, another member secretary. It shall maintain its office and records in the capitol at Lansing, in the State Land Office, and shall serve without compensation, but shall be entitled to traveling and other expenses while on business relating to the work of the commission. Also all necessary cost of postage, stationery and printing, and other incidental expenses: Provided, That the secretary may be paid such amount as the commission may determine, not to exceed three hundred dollars per annum: and provided further, that all accounts shall be audited by the State Board of Auditors.

Length of term of office.

Compensation.

Sec. 2. It shall be the duty of such forestry commission to institute inquiry into the extent, kind, value and condition of the timber lands of the state; the amount of acres and value of timber that is cut and removed each year, and the purposes for which it is used; the extent to which the timber lands are being destroyed by fires, used by wasteful cutting for consumption, lumbering, or for the purpose of clearing the land for tillage. It shall also inquire as to the effect of the diminution of timber and wooded surface of this state in lessening the rainfall and producing droughts, and the effects upon the ponds, rivers, lakes and the water power and harbors of the state and affecting the climate and disturbing and deteriorating natural conditions. Investigations. Effect of timber cutting.

It shall also inquire into the production, quantity and quality of second growth timber and note and report upon all facts, improvements and changes in reference thereto, also as to the condition, protection and improvement of denuded, stump, swamp and overflowed lands and what means it may deem expedient in carrying into full effect the intent and purpose of this act. The commission shall recommend to the legislature, in the year 1901, within ten days of its opening, their findings, in the form of a bill or bills to carry out the objects for which this commission is appointed. Second-growth timber. Recommend bill to legislature.

Sec. 3. It shall be the duty of the commissioner of the State Land Office, to furnish the commission any and all data concerning lands of all classes in which the state is directly or indirectly interested, that may be valuable in formulating a method of managing state lands suitable for the growing of forests. He shall also, as far as possible, aid the commission in its investigations and render all the assistance in his power in preparing a report which shall embody a definite forestry policy for the state of Michigan. Land commissioner to aid.

Sec. 4. Upon the recommendation of the said Michigan Forestry Commission the commissioner of the state land office shall withdraw from sale two hundred thousand acres of land known as state tax homestead lands and swamp lands belonging to the state, and withhold the same until after the adjournment of the legislature after such reservation. The commision shall be authorized to receive by deed to the state from the owners, any tracts of land which in its judgment may be suitable as forest reserves, to be kept by the state: Provided however, that this act shall not be construed so as to affect in any manner the rights and interests of any person to or in any lands which such person may have acquired previously to the day on which this act shall go into effect. Withdrawal of land.

NOTE.—The first part of this section is now obsolete. (See Acts of 1903, Chap. 175, Sec. 7, on page 47 of this bulletin.

Sec. 5. Said commission shall make an annual report to the governor on or before the first day of December in each year, of such facts and statistics as it may deem of public interest, and recommend such legislation as may be necessary for the preservation and restoration of the timber and forests of the state, or any portion thereof, and cause such number of reports, not exceeding two thousand copies, as it may deem proper to be printed each Report.

Expenses.

year for public use and distribution, which report shall be printed by the Board of State Auditors. The expense of the commission, as provided in section one of this act, shall be paid on vouchers certified by the president of the commission to the auditor general and paid by the state treasurer, out of the general fund, upon the warrant of the auditor general: Provided, That not more than two thousand dollars shall be expended by the state in any one year under the provisions of this act.

Forestry reserve.

PUBLIC ACTS OF 1903, No. 175—*Sec. 1.* All delinquent state tax, homestead, swamp and primary school lands now belonging or which shall hereafter be added to the state in town twenty-one north, range three and four west; the north half of town twenty-four, range four west; and the south half of town twenty-five north, range four west, are hereby withdrawn from sale and entry, set apart for the creation of a forestry reserve, and for that purpose placed under the control of the Michigan Forestry Commission, created by act number 227 of the public acts of 1889. It shall be the duty of said Michigan Forestry Commission, first, to investigate and determine what part or portion of the lands belonging to the state, thus withdrawn from sale and entry, and set aside, it will be for the best interests of the state and public to retain and devote to the purpose of forestry, having regard both to the soil and natural characteristics and conditions of said lands, and their relative fitness for cultivation and forestry, and also the location of the various descriptions of the same with respect to each other so that the lands devoted to such forestry reserve shall be composed of contiguous territory, or territory as nearly contiguous as possible, so as to render practicable and desirable the establishment and maintenance of forestry reserves, embracing the same. Second, to have care, custody, control and superintendence of the lands herein or hereafter set apart for

Reforestation.

or becoming a part of the forestry reserve, and provide for the reforestation of the denuded lands so set apart and belonging to the state, by planting and preserving forest trees, establishing and maintaining fire lines, and a system of fire patrol in the forestry reserve thus created.

Forestry warden.

Sec. 2. The forestry commission shall have power to appoint a forestry warden who shall hold office for the term of four years from the first day of January in the year in which appointed, unless sooner removed by the forestry commission. The said for-

Compensation.

estry warden shall receive an annual salary of not to exceed one thousand dollars, payable in the same manner in which the salaries of state officers are now paid, and he shall be subject to the orders and directions of the forestry commission, which shall prescribe his powers and duties, and he shall have general supervision of all deputy wardens or other persons appointed or employed for the performance of duties or services in respect to

Deputy forest wardens.

forestry lands or forest fires. The said forestry warden may appoint, upon recommendation of the forestry commission a sufficient number of competent persons as deputy forestry wardens, to hold office at the pleasure of the said commission, who shall be

Compensation.

entitled to receive a sum not to exceed two dollars per day for each day actually and necessarily spent under the direction of the chief warden in the discharge of duties under this act. Said

compensation to be paid by the auditor general on the approval of the president and secretary of the said forestry commission.

Powers of commission. Sale of timber on reserves.

Sec. 3. The said forestry commission shall have power to cut, remove or sell (or to sell to any person with the power to cut, sell or remove, upon such terms and under such conditions and restrictions as it may deem advisable) any trees, timber or other forest products upon or derived from the said lands so set apart as forestry reserve lands, and shall have power to lease or sell any lands within such forestry reserve, the lease or deed therefor to be executed for and on behalf of the state by the forest commissioner of the State Land Office. The said forestry commission shall likewise have authority to purchase such lands within the limits of said forestry reserve as it may deem advisable, in order to connect and render contiguous separate tracts. All moneys received by or payable to the said forestry commission on account of or arising from revenues from said lands or from any other source shall be paid to and received by the secretary of said commission, whose official bond as commissioner of the State Land Office shall be responsible therefor, and shall be paid by him into the state treasury, and the receipt of the state treasurer countersigned by the auditor, shall be taken therefor.

Lease of lands.

Purchase of lands.

NOTE.—Sec. 4 of this act will be found below in Chap. V, page 221 of this bulletin.

Taxation of reserve lands. Appropriation.

Sec. 5. For the purpose of carrying out the provisions of this act, the auditor general shall add to and incorporate in the state tax for the year 1903, and each year thereafter, the sum of seven thousand five hundred dollars. Such sum shall be immediately available upon the passage of this act, and shall be paid to the said commission upon the warrant of the auditor general in the same manner in which such appropriations are usually paid, and shall be governed in all respects by the accounting laws of the state.

Trespassers on state forest reserves.

Sec. 6. The lands hereby set aside shall be subject to the protection of the provisions of the several acts relating to the cutting, removing or destroying, in any manner whatsoever, timber on state lands. This act shall be known and may be cited for any purpose, in legal proceedings or otherwise, as the forestry reserve act.

Restored for sale.

Sec. 7. All other lands heretofore reserved from sale or homestead entry in Roscommon and Crawford Counties, either by act number 227 of the session laws of 1899, or concurrent resolution number 17 of the session laws of 1901, are hereby restored for sale or homestead entry as provided for other state lands.

Mackinack Island.

NOTE.—Mackinack Island State Park, which is governed by a board under the provisions of Sections 1257 to 1260 of the Compiled Laws, is almost entirely covered with timber; but as its purpose is not primarily forestal, the provisions for its administration are not inserted in detail.

MINNESOTA.

U. S. gift of land for a State park.

NOTE.—Act of Aug. 3, 1892, (27 U. S. Stat. at Large, page 347) provides that a certain definite area of Government land, about 22,400 acres, in northern Minnesota at the head of the Mississippi River shall be forever granted to the State of Minnesota to be perpetually used as a public State park and to revert to the United States, if not so used.

Gift accepted.

Statutes of Minnesota, Sec. 4058 formally accepts the grant under the conditions imposed.

Itasca State park.

Laws of 1895, Chap. 106, provides that the above tract of land shall be set aside perpetually as a State park to be known as the Itasca State Park, the care of which, until otherwise provided, shall be in the hands of the State Land Commissioner, and that trespass should consist of destruction of trees or plants of any kind, hunting, fishing without permit, raising or lowering the level of the lakes or streams and setting fires,

Trespass.

Penalty.

such trespass to be a misdemeanor with fines for first and second offence and fine and imprisonment for further offences. It

Park commissioner.

provides that the State shall buy in school lands for this park. Sec. 6 provides for appointment, by the governor, of a park commissioner, who shall live in the park, care for it and report

Compensation.

annually to the governor, at a compensation of $600 per annum with the right to use a house to be erected for him and twenty acres of agricultural land and dead and down timber for fuel, and the further right to entertain visitors in the park at a rate of charge to be approved by the governor.

Appropriation.

Sec. 8 appropriates annually the $600 salary and $1,000 to erect building suitable for the accommodation of the Park Commissioner. Further appropriations for improvements have been made from time to time.

Additional lands.

By Laws of 1901, Chap. 134, and 1903, Chap. 218, there is provision for enlarging the Itasca State Park by addition of certain state lands.

Purchase of private holdings.

Laws of 1899, Chap. 304 appropriates $20,000 for the purpose of condemning and paying for private holdings within the limits of Itasca State Park.

Lumbering on, a felony.

Laws of 1903, Chap. 258, makes it a felony to haul or move logs or timber within the outer limits of Itasca State Park or to place them in any lake or stream therein. The policy of keeping the park in a state of nature is definitely stated. Sec.

Penalty.

2 provides as a penalty, fine ($1,000 to $5,000) or imprisonment (three months to one year) or both.

Interstate park of The Dalles.

NOTE 2.—The Interstate Park of the Dalles of the St. Croix River, although to a great extent wooded, is not in the nature of a forest reservation, and the law creating it (Laws of 1895, Chap. 139) is therefore not inserted. See also Wisconsin, below.

Forest reserves.

LAWS OF 1899, CHAP. 214.—*Sec. 1.* There are hereby designated forest reserves for the state, to be known and designated in all public documents as the "forest reserves," to be managed and controlled as herein provided, which shall consist of all such tracts and parcels of land as shall be set apart, from any state lands, by the legislature for forestry purposes, or which shall be deeded, devised or granted to the state for forestry purposes, under the terms of this or any subsequent act, by any person or persons; or granted to this state by the United States Government for forestry purposes, where such grants from the United States Government have been accepted by the legislature of this state; or given

or devised outright for forestry purposes to the state by any person or persons.

20,000 acres given for this purpose by the United States.

NOTE.—By Act of April 28, 1904, Statutes of U. S., 1903–1904, page 536, the United States granted to Minnesota, to be used for experimental forestry purposes, 20,000 acres of third and fourth rate public land. Selections must be approved by the Secretary of the Interior and must contain no land which, in the opinion of the Forester of the United States Bureau of Forestry, should belong to any United States forest reserve.

Forestry board.

Sec. 2. There is hereby created a forestry board for the state, to be known and designated in all public documents as the "Minnesota State Forestry Board", which shall consist of nine (9) members, be designated or chosen as follows: to-wit:

Chief fire warden.

First: The person who by law is for the time being the chief fire warden of the state shall be *ex officio* a member thereof.

Professor of horticulture.

Second: The person for the time occupying the chair of horticulture in the agricultural department of the University of Minnesota shall be *ex officio* a member thereof.

Three persons by regents of State University.

Third: Three (3) persons, citizens of the state, shall be recommended for appointment by the regents of the University in January, or as soon thereafter as possible, of every odd-numbered year, commencing in eighteen hundred and ninety-nine (1899), for a term of four (4) years each, one of whom shall be selected on account of his interest in and knowledge of the planting, cultivation and preservation of forest trees and groves in the prairie regions of the state; one of whom shall be selected on account of his interest in and knowledge of the best methods for the preservation of the natural forests of the state, and of reforesting denuded lands; and one of whom shall be selected on account of his interest in and knowledge of the best methods of protecting the sources of supply of the several river systems of the state.

Four persons by specified associations.

Fourth: Four (4) citizens of the state shall be recommended for appointment as members of said board as follows: viz: One by each of the following named associations or bodies, for a term of two years each, in January, or as soon thereafter as possible, of each odd-numbered year, as follows, to-wit:

The Minnesota State Forestry Association, the Board of Managers of the Minnesota State Agricultural Society, the Minnesota Horticultural Society, and the State Fish and Game Commission.

Fifth: The recommendation for the appointment of such members shall be properly certified by the proper respective officers of such associations or bodies to the governor of the state, who, if he shall deem the persons so recommended suitable and proper persons therefor, may appoint and issue a commission to each of them; vacancies in membership shall be filled in the same manner.

Secretary of forestry board.

Sec. 3. The Board shall appoint a secretary of the board, who shall have charge of all books, maps, records, title deeds, and papers and documents of the board and executive committee, and shall prepare for printing and publication all bulletins, reports, circulars, rules, regulations, by-laws, and other documents ordered printed and published by the board. He shall cause to be made

accurate maps of all tracts and parcels of the forest reserves, which maps shall be open to the inspection of all persons desiring to inspect the same, but under such rules as the board may prescribe. All such books, maps, records, title deeds, and papers and documents shall be kept in the office of the secretary, who shall also keep a record of the names and addresses of all beneficiaries under this act. The secretary shall keep a record of all warrants for the payment of money issued and shall countersign each warrant, which shall be signed by the president.

Expenses of Board.

Sec. 4. No member of such board shall receive any pay for his services, but shall be repaid actual, reasonable expenses, incurred in attending meetings of the board or executive committee, or in performing services at the request of the board or executive committee.

State treasurer to care for funds.

Sec. 5. The state treasurer is hereby required to act as the treasurer of the said board, and to keep accurate books of account of all money received and paid out for or on account of said board, or said "Forest Reserves", according to law and the by-laws of said board, and all funds appropriated for the use of said Board, or which may in any way come to its use, disposal or control from the sale of timber or otherwise, shall be deposited with the treasurer, and kept, and books and accounts of the same kept, under the designated name of "Forest Reserve Fund." And there is hereby appropriated from any moneys in the state treasury not otherwise appropriated, the sum of one thousand dollars ($1,000) annually, to defray the reasonable and necessary expense of said "Forestry Board" in carrying out the provisions of this act, which sum shall be credited to and be a part of said "Forest Reserve Fund." Said forestry board shall not be authorized to expend in any one (1) year any greater amount than the one thousand ($1,000) dollars herein provided.

Special forest reserve fund.

Appropriation.

Duties of Board.

Sec. 6. The care, management and preservation of the forest reserves, and the forests thereon, as well as future growths thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal property acquired to carry out the object of this act, are hereby confided to and vested in said "Minnesota State Forestry Board," as the same may be herein, or in subsequent acts, defined and required. The board shall observe, keep in view, and so far as it can ascertain the best methods of reforesting cut-over and denuded lands, foresting waste and other prairie lands, preventing destruction of forests by fire, the administering of forests on forestry principles, the encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and the general conservation of forest tracts around the headwaters and on the water sheds of all the water courses of the state, and for these purposes to make reports of its doings, conclusions and recommendations to each session of the legislature, and from time to time publish, in a popular manner and print for popular distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest.

Reforestation.

Forest fires.

Water conservation.

Publications.

Powers of Board.

Sec. 7. The members of said Board may choose a president and vice president, annually, in January, or as soon thereafter as possible, may contract and be contracted with in the name of the

state of Minnesota and in its behalf; adopt and use a seal and alter the same at pleasure, and cause actions to be brought in the courts in the name or in behalf of the state, to protect the state's interests in all matters confided to the Board's care; a majority of the members shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The Board may make all reasonable rules, regulations and by-laws for the government of its own meetings and actions, and for the conduct of its officers, agents and employees, and for the care, management, protection and preservation of the forest reserves and the forests thereon, and may appoint such needed agents, officers, attorneys and employes as it deems best. The Board may appoint an executive committee annually, on which it may confer authority to perform any executive act, and to exercise its judgments in minor details which cannot conveniently be acted on by the Board.

Rules and regulations.

Sec. 8. The respective town boards of supervisors and county commissioners are hereby constituted, respectively, town and county forest boards, which shall only have such pay for services as shall be expressly authorized by the legislature, and which shall only perform such duties, have such authority and exercise such powers as may hereafter, herein, or in subsequent acts, amendatory or otherwise be expressly conferred by the legislature.

Town and county forest boards.

Sec. 9. Any person or corporation, being the owner in fee simple of any cut-over or denuded, or partially cut-over or partially denuded, natural forest lands, which will not probably be utilized for many years for agricultural purposes, or any bare or waste, or partially bare or waste rough prairie lands, or any very sandy, very rough or very rocky lands in this state, or any lands deemed absolutely necessary for the preservation of water courses (all to be determined by the said State Forestry Board) may deed the same to the State of Minnesota for forestry purposes; all lands so deeded to the state for forestry purposes by any person or corporation are hereby forever dedicated for forestry purposes. Before such deed shall be made and delivered, a proposition in writing shall be made by such owner or owners to said State Forestry Board to so deed the same for forestry purposes, under the terms of this act, and amendments thereof, made prior to such offer, and the question of acceptance thereof shall be referred to the town or county forestry board where the land is situated (or both such town and county forestry boards) for its advice on the question of accepting the same, and said State Forestry Board or its executive committee may hear the person offering so to deed, or his or her representative, and also may hear such town or county forestry board or its representative, both sides in person or by written reasons submitted, why such deed should or should not be received, and the decision of the State Forestry Board to accept or reject such offer and deed shall be final. Such deed may be made by quit-claim when, by the advice of the attorney general, or by the advice of its attorney, if said board have one, said lands are clear of liens except for taxes and tax sales still owned by the state. When such deeds shall be so accepted by the board, the lands thereby conveyed shall become a part of the forest reserves of the state.

Dedication of lands for forest purposes.

Proposal to deed land for forestry purposes.

Referred to town and county forestry boards.

Division of income from deeded land.

Sec. 10. At least once in every five (5) years, and as much oftener as the State Forestry Board may decide, the accumulated income from each tract of land so deeded by the persons or corporations for state forestry purposes shall be divided by the State Forestry Board and disposed of as follows, to-wit:

First: One-third ($\frac{1}{3}$) shall belong to the state, to reimburse the state for the care and protecton of the forests thereon, and for the nonpayment of taxes thereon to the state, county and town, which third ($\frac{1}{3}$) shall be divided between the state, county and town, where the land is situated, as follows, to-wit:

One-half ($\frac{1}{2}$) to the state, one-fourth ($\frac{1}{4}$) to the county, and one-fourth ($\frac{1}{4}$) to the town.

Second: Two-thirds shall be paid to such public educational institution or system in the state as the grantor may designate in the deed of conveyance, or in a separate instrument, executed as deeds of land are required to be executed, and recorded in the office of the register of deeds of the county where the land is situated, or by will. But in case the grantor fails to so designate such institution or system, or if for any reason such institution or system fails to exist, then the same to be paid to the proper officer or officers or boards for the benefit of the public school system of the state and the University of Minnesota, the public school system to have three-fourths ($\frac{3}{4}$) thereof, and the said University to have one-fourth ($\frac{1}{4}$) thereof.

Board empowered to lease.

Sec. 11. The state, by and through said State Forestry Board, shall have full power and authority to lease for revenue, or for protection from fire, trespassers or otherwise, low meadow tracts or other tracts for pasture, when the same will not interfere with

Also to sell timber and land.

the growth of forest trees, and to sell dead and down timber, and mature timber, and to deed said tracts, or parcels or parts of the same, where the growth of the towns, the building of railroads, water power or other public improvements may demand alienation by the state, and said State Forestry Board may cause to be cut and sold, or sold with the right to cut and haul away, timber or trees when the board may determine that the state's and beneficiaries' interests will be subserved by so doing, but all proceeds of such sales or leases shall be divided as is the income therefor as above provided.

Tax lands.

LAWS OF 1903, CHAP. 335.—*Sec. 1.* All lands (excluding all lands within the corporate limits of any incorporated city or village, or in any platted townsite) which were offered for sale under the terms of chapter 135 of the General Laws of the State of Minnesota of 1881, which is entitled "An act to enforce the payment of taxes which became delinquent in and prior to the year one thousand eight hundred and seventy-nine (1879)," or under the terms of chapter 150 of the General Laws of Minnesota for 1893, entitled "An act to enforce the payment of taxes which became delinquent in and prior to the years 1879 and 1889," or under the terms of chapter 322 of the General Laws of the State of Minnesota of 1899, which is entitled "An act to enforce the payment of taxes which became delinquent in and prior to the year one thousand eight hundred and ninety-seven (1897)," and which lands were not sold to any person or corporation at either of the public sales authorized by one or the other of the above

entitled acts, but which lands were bid in for the state under the terms of said chapter 322 of the General Laws of Minnesota of 1899, or became the property of the state under the terms of and in the manner provided by said chapter 135 of the General Laws of Minnesota of 1881, are hereby set apart and appropriated to state forestry purposes, and said lands are hereby declared to be a part of the "Forestry Reserve" of the state, to be managed and controlled as herein provided, or as the legislature may hereafter provide, from time to time: Provided, That no tract or parcel of said lands, which has been heretofore redeemed, or the state interest therein has been assigned to any person or corporation by any officer of the state or of any county, or afterward sold, at any tax sale, to any person or corporation, shall be included in the provisions hereof: Provided, further, That no agricultural lands, or lands suitable for agriculture, shall be set apart or appropriated for state forestry purposes, under the provisions of this act, and only such lands shall be so set apart and appropriated to forestry purposes as are totally unfit for agricultural purposes. Provided, further, That if any lands are set apart and appropriated for state forestry purposes under the provisions of this act, the proposition to set the same apart for such purposes shall be submitted to the board of county commissioners of the county wherein such lands are situate, for the purpose of ascertaining whether such lands so proposed to be set apart are agricultural lands or are lands totally unfit for agriculture. If such board of county commissioners shall report and certify such lands to be unfit for agriculture, then the same may be set apart as herein provided. One-half (½) of the moneys realized from the income from said lands shall go to the state, one-quarter (¼) each to the town and county wherein the land is situated.

Unsold land bid in for the state.

Appropriated for forestry purposes.

Private rights secured.

Agricultural lands excepted.

Proposition submitted to county commissioners.

Income divided.

Sec. 2. The attorney-general or county attorney, at his request, shall serve notice of the termination of the period of redemption, upon those in possession of and upon persons against whom said property is assessed, in the manner provided as sections 1654 and 1660, General Statutes 1894, and thereby perfect title in the state of Minnesota of the lands in question.

Perfecting title to relinquished tax lands.

Sec. 3. The attorney-general of the state is hereby charged with the duty of bringing actions in any case in which the same is necessary, in the name of the state, to quiet title in the state to each parcel or tract of such land; provided, that he shall not be obliged to bring more than three hundred (300) such actions in any one year: and provided, that the attorney-general may appoint the county attorney in any county in which such lands are situated to represent him in any such action, at a cost not to exceed five dollars for the work performed by such county attorney, the attorney-general to prepare and furnish blank forms for such actions, and it is hereby made the duty of every county attorney so appointed to promptly carry out the instructions of said attorney-general.

Same.

May delegate county attorney.

The attorney-general or the respective county attorneys at his request shall only be obliged to bring such actions on the written request of the "Minnesota State Forestry Board" embodied in a resolution describing such lands, and certified by its president and secretary.

Forestry Board must request such action.

Such lands become part of forest reserve.

Sec. 4. When the title to any such tract or parcel of land has been so quieted in the state, the attorney-general shall certify to said Minnesota State Forestry Board, that such title has been so quieted in the state, describing the land, and thereupon and thereafter all such tracts or parcels so certified to said Board by the attorney-general shall become and be a part of the "Forest Reserve" of the state, and shall thereafter be under the control, care and management of said "Minnesota State Forestry Board."

Annual appropriation.

Sec. 5. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of one thousand ($1,000) dollars annually for the purpose of paying the expenses incurred by the attorney-general in bringing the actions to quiet title in said lands as hereinbefore provided, but no part of said sum shall be paid out except upon vouchers approved by the president and secretary of the Minnesota State Forestry Board, and certified by the attorney-general.

To purchase lands for forest reserve.

POLITICAL CODE.—*Sec. 3560 (As amended by laws of 1897, page* estry Board is hereby authorized to acquire by purchase for the state at not exceeding two dollars and fifty cents ($2.50) per acre and preferably at the sources of rivers any land in the state that is adapted for forestry, but not to exceed in any one congressional township one-eighth part of the area of such township, and to

And maintain forest thereon.

take such steps as are necessary to maintain forest thereon according to forestry principles. One-quarter part of the net forest revenue from such lands shall always be paid to the respective towns in which the lands are situated. No money shall be paid by the state for any such land until the attorney-general shall certify that the deed thereof conveys a clear title in the state.

MONTANA.

Sale of state timber.

POLITICAL CODE.—*Sec. 3560 (As amended by Laws of 1897, page 193).* The state board of land commissioners shall have power to sell the timber on state lands at so much per thousand feet, as in

Minimum diameter limit.

their judgment shall be for the best interest of the state. But no live timber less than eight inches in diameter, twenty feet from the ground, except lodge pole pine and bull pine, shall be sold. And all timber sold or cut from state land shall be so cut

Rules and regulations.

and removed under the rules and regulations for the preservation of standing timber and the prevention of fires, as the board shall prescribe; before any permit shall be granted, the timber shall be

Appraisal.

estimated and appraised by the said land agent upon the request and subject to the approval of the said board of land commissioners, which estimate and appraisal shall show the amount and the value per thousand feet of all timber measuring not less than eight inches in diameter, twenty feet from the ground, and of other timber below this standard, on each tract or lot, with a statement of the situation of the timber relative to risk from fire or damages of any kind, and its distance from the nearest stream, lake or railroad.

NEW HAMPSHIRE.

LAWS OF 1893, CHAP. 44.—*Sec. 1.* There is hereby established a forestry commission, to consist of the governor, ex officio, and four other members, two Republicans and two Democrats, who shall be appointed by the governor, with the advice of the council, for their special fitness for service on this commission, and be classified in such manner that the office of one shall become vacant each year. One of said commissioners shall be elected by his associates secretary of the commission, and receive a salary of one thousand dollars per annum. The other members shall receive no compensation for their services, but shall be paid their necessary expenses incurred in the discharge of their duties, as audited and allowed by the governor and council.

Forestry commission.

Nonpolitical.

Secretary.

Compensation.

Sec. 2. It shall be the duty of the forestry commission to investigate the extent and character of the original and secondary forests of the state, together with the amounts and varieties of the wood and timber growing therein; to ascertain, as near as the means at their command will allow, the annual removals of wood and timber therefrom, and the disposition made of the same by home consumption and manufacture as well as by exportation in the log; the different methods of lumbering pursued, and the effects thereof upon the timber supply, water power, scenery and climate of the state; the approximate amount of revenue annually derived from the forests of the state; the damage done to them from time to time by forest fires; and any other important facts relating to forest interests which may come to their knowledge. They shall also hold meetings from time to time in different parts of the state for the discussion of forestry subjects, and make an annual report to the governor and council, embracing such suggestions as to the commission seem important, fifteen hundred copies of which shall be printed by the state.

Investigations.

Annual lumbering.

Water power, etc.

Revenue.

Forest fires.

Annual report.

NOTE.—Sec. 3 of this act will be found on page 172 of this bulletin.

Sec. 4. Whenever any person or persons shall supply the necessary funds therefor, so that no cost or expense shall accrue to the state, the forestry commission is hereby authorized to buy any tract of land and devote the same to the purpose of a public park. If they cannot agree with the owners thereof as to the price, they may condemn the same under the powers of eminent domain, and the value shall be determined as in the case of lands taken for highways, with the same rights of appeal and jury trial. On the payment of the value as finally determined, the land so taken shall be vested in the state, and forever held for the purposes of a public park. The persons furnishing the money to buy said land shall be at liberty to lay out roads and paths on the land, and otherwise improve the same under the direction of the forestry commission, and the tract shall at all times be open to the use of the public.

Land may be acquired if funds are donated.

Condemnation.

Sec. 5 (*As amended by chap. 25, Laws of 1903*). It shall be the duty of the forestry commission to make such rules and regulations as may be required to protect and preserve all lands which are acquired by the state under the provisions of section 4 from injury or disfigurement, all said rules and regulations to be posted

Rules and regulations.

upon said property and at two public places in the town or towns in which any part of such land may be located.

Penalty.

Sec. 6. If any person shall violate any such rule or regulation of the forestry commission, he shall be fined not exceeding twenty dollars or be imprisoned not exceeding six months.

Tree wardens.

Marking trees on public highways, etc.

NOTE 1.—Laws of 1901, Chap. 98, amendatory of Laws of 1895, Chap. 85, later amended by Laws of 1903, Chap. 119, provide, in detail, for the appointment, by Mayors of cities and selectment of towns, of tree wardens to protect the shade and ornamental trees on roadsides or other public ground. Tree wardens must mark such trees by driving a spike through a galvanized iron disc, which shall be marked with the initials "N. H." Cutting or injuring such trees is made unlawful with a fine of from five to one hundred dollars.

White Mountain Forest Reserve.

NOTE 2.—Laws of 1903, Chap. 137 (Joint Resolution), approves the establishment of a National forest reserve to be known as the White Mountain Forest Reserve. The wording of this resolution is so similar to the one passed by the Maine legislature (see page 41 of this bulletin) that it is not quoted in full.

Cooperative examination of forest conditions by Bureau of Forestry.

LAWS OF 1903, CHAP. 139.—Resolved that the forestry commission be and hereby is authorized and directed to procure upon terms to be approved by the governor and council, a general examination of the forest lands of the White Mountain region by employees of the bureau of forestry in the Department of Agriculture at Washington, whose report shall be laid before the next session of the general court; and the governor is hereby empowered to draw his warrant for a sum not exceeding five thousand dollars upon any money in the treasury, not otherwise appropriated, to meet the expense of such examination.

NEW YORK.

Forest, fish and game commission.

CUMMING AND GILBERT'S ANN. GENERAL LAWS, PAGE 1517.—*Sec. 1.* The forest, fish and game commission shall, except as in this act otherwise provided, consist of a single commissioner, who shall have all the powers and duties now possessed by such commission, or by any member or members thereof. He shall be appointed by the governor by and with the advice and consent of the senate within ten days after the passage of this act. The term of office of such commissioner and his successors in office shall be four years, and in case of vacancy in the office, the appointment shall be to fill the vacancy. He shall receive an annual salary of five thousand dollars and the expenses necessarily incurred by him in the discharge of his official duties. Said commissioner, shall, after January 1, 1903, appoint a deputy commissioner, who shall receive an annual salary of two thousand five hundred dollars, and the expenses necessarily incurred by him in the discharge of his official duties. During the absence or inability to act of the commissioner, the deputy commissioner shall have and exercise all the powers of the commissioner. The commissioner and deputy commissioner shall each execute and file with the comptroller of the state a bond to the state in the sum of ten thousand dollars, with sureties to be approved by the comptroller, conditioned for the faithful performance of his duties, and to account for and pay over, pursuant to law, all

How appointed.

Term of office.

Salary.

Deputy commissioner.

Bond.

moneys received by him in his office. The commissioner and deputy commissioner shall take and subscribe the constitutional oath of office. The deputy commissioner may be removed by the commissioner, who may in like manner appoint a successor. The terms of office of the commissioners of forest, fish and game now in office shall terminate upon the appointment of and qualification of such commissioner.

Oath of office.

NOTE.—Sec. 2 provides for the appointment of two deputy commissioners, which official positions should cease to exist on January 1, 1903. Hence, since January 1, 1903, the forest, fish and game commission has consisted of one member only and Sec. 2 has ceased to be operative as law.

Temporary deputy commissioners.

Sec. 3. The terms of office of the members of the forest preserve board now in office shall cease and determine within ten days after the passage of this act, and the powers, duties and functions now by law exercised by and imposed on them are hereby granted to and vested in the forest, fish and game commission as provided for by this act. The governor may in his discretion, after January 1, 1903, from time to time designate two commissioners of the land office, who shall act with the forest, fish and game commissioner in acquiring lands for the state under said act. If so designated, such commissioners of the land office and the forest, fish and game commissioner shall, while such designations are in force constitute a board who shall have the same powers to acquire lands under said act, that are now possessed by the forest preserve board. Lands shall not be purchased or acquired under chapter 220 of the laws of 1897, and the acts amending the same and supplemental thereto, except with the consent of the governor.

Forest preserve board to cease.

Its powers and duties delegated to the commission.

Two assistants to be appointed from time to time.

Lands, how acquired.

Sec. 4. A bill for services of counsel and attorneys, employed by the forest, fish and game commission, shall not be audited, allowed or paid except upon the written approval of the governor.

Counsel fees.

Sec. 5. This act shall not affect any action or proceeding, civil or criminal, pending at the time of the taking effect thereof, but such action or proceeding may be prosecuted or defended in the same manner and with the same effect as if this act had not been passed.

Pending actions.

NOTE 1.—This act went into effect March 12, 1901.

NOTE 2.—This act gives to the forest, fish and game commission all the powers of the forest preserve board. Hence the laws defining the powers of that board are inserted next in order.

CUMMING AND GILBERT'S ANN. GENERAL LAWS, PAGE 1521.—*Sec. 1.* [This section, establishing the forest preserve board, is superseded by section 3, Cumming and Gilbert's General Laws, page 1517, quoted immediately above.]

Forest preserve board.

Sec. 2.—It shall be the duty of the forest preserve board and it is hereby authorized to acquire for the state, by purchase or otherwise, lands, structures or waters or such portion thereof in the territory embraced in the Adirondack park, as defined and limited by the fisheries, game and forest law, as it may deem advisable for the interests of the state.

Duties of forest preserve board.

Sec. 3. The forest preserve board may enter and take possession of any land, structures and waters in the territory embraced in the Adirondack park, the appropriation of which, in its judgment,

Powers.

shall be necessary for the purposes specified in section 290, of the fisheries, game and forest law, and in section seven of Article seven of the Constitution.

NOTE 1—"Section 290" in above paragraph refers to chapter 395, Laws of 1895, which is now section 217, of Chap 31, General Laws.

NOTE 2.—Sections 4, 5 and 6 contain provisions relating to the manner of conducting condemnation proceedings for Adirondack park purposes, and are not of forestal interest.

Option to owner of condemned land.

SEC. 7. The owner of land to be taken under this act, may at his option, within the limitations hereinafter prescribed, reserve the

May reserve spruce timber.

spruce timber thereon ten inches or more in diameter at a height of three feet above the ground. Such option must be exercised

Written notice of option.

within six months after the service upon him of a notice of the appropriation of such land by the forest preserve board, by serving upon such board a written notice that he elects to reserve the spruce timber thereon. If such a notice be not served by the owner within the time above specified, he shall be deemed to have waived his right to such reservation, and such timber shall

Land acquired by purchase.

thereupon become and be the property of the state. Land acquired by purchase may be taken subject to the reservation of the soft timber thereon down to eight inches diameter on the stump with the right to remove the same, or subject to any lease, mortgage or other incumbrance not extending ten years beyond date of

Deductions from purchase price.

purchase upon agreement between the board and the owner. The amount or value of any such lien, incumbrance or timber right upon land so purchased shall be deducted from the purchase price thereof. The presentation of a claim to the court of claims before the service of a notice of reservation shall be deemed a waiver of the right to such reservation.

Conditions.

SEC. 8. The reservation of timber and the manner of exercising and consummating such right are subject to the following restrictions, limitations and conditions:

Timber near lake or river.

1. The reservation does not include or affect timber within twenty rods of lake, pond or river and such timber cannot be reserved. Roads may be built across or through such reserved space of twenty rods under the supervision of the forest preserve board, for the purpose of removing spruce timber from adjoining land, and the reservation of spruce timber within such space shall be deemed a reservation by the owner, his assignee or representative, of the right to cut other timber necessary in constructing such road, but such reservation does not confer a right to remove such other timber so cut, or to use it otherwise than in constructing a road.

Fifteen years only, allowed.

2. The timber reserved must be removed from the land within fifteen years after the service of notice of reservation, or the making of an agreement, subject to the regulations to be prescribed

Land may not be cut over twice.

by the forest preserve board; but such land shall not be cut over more than once and the said board may prescribe regulations for the purpose of enforcing this limitation. All timber reserved and not removed from the land within such time shall thereupon become and be the property of the state, and all the title and claim thereto by the original owner, his assigns or representatives, shall thereupon be deemed abandoned.

Sec. 9. A person who reserves timber as herein provided is not entitled to any compensation for the value of his land purchased or taken and appropriated by the state, nor for any damage caused thereby, until: Purchase price withheld.

1. The timber so reserved is all removed and the object of the reservation fully consummated; or Until timber is removed.

2. The time limited for the removal of such timber has fully elapsed, or the right to remove any more timber is waived by a written instrument filed with the forest preserve board; and Until time limit has elapsed.

3. The forest preserve board is satisfied that no trespass on state lands has been committed by such owner or his assigns or representatives; that no timber or other property of the state not so reserved has been taken, removed, destroyed or injured by him or them, and that a cause of action in behalf of the state does not exist against him or them for any alleged trespass or other injury to the property or interests of the state; and No trespass allowed.

4. That the owner, his assignee or other representative has fully complied with all rules, regulations and requirements of the forest preserve board concerning the use of streams or other property of the state for the purpose of removing such timber. Rules must be obeyed.

Provided, however, that the forest preserve board may at any time by its certificate filed with the comptroller direct the payment to the owner of such land, his legal representatives or assigns, of the compensation therefor, or a part thereof, at such time and upon such conditions as may be set forth in the certificate. Board may direct payment.

Sec. 10. A warrant shall not be drawn by the comptroller for the amount of compensation agreed upon between the owner and the forest preserve board, nor for the amount of a judgment rendered by the court of claims, until a further certificate by the board is filed with him to the effect that the owner has not reserved any timber, or that he, his assignee or other representative, has complied with the provisions of this act, or has otherwise become entitled to receive the amount of the purchase price, award or judgment. Warrant for payment.

Sec. 11. The forest preserve board may settle and adjust any claim for damages due the state on account of any trespasses or other injuries to property or interests of the state, or penalties incurred by reason of such trespass or otherwise, and the amount of such damages or penalties so adjusted shall be deducted from the original compensation agreed to be paid for the land, or from damages, or from a judgment rendered by the court of claims on account of the appropriation of such lands. A judgment recovered by the state for such trespass, or for a penalty, shall likewise be deducted from the amount of such compensation or judgment. Settling claims.

Sec. 12. If timber is reserved upon land purchased or appropriated as provided by this act, interest is not payable upon the purchase price or the compensation which may be awarded for the value of such land or for damages caused by such appropriation, except as provided in section six. Interest.

Sec. 13. Persons entitled to cut and remove timber under this act may use streams or other waters belonging to the state within the forest preserve for the purpose of removing such timber, under Use of waters.

such regulations and conditions as may be prescribed by the forest preserve board. The persons using such waters shall be liable for all damages caused by such use.

Value of timber.

Sec. 14. If timber be reserved, its value at the time of making an agreement between the owner and the forest preserve board for the value of the land so appropriated and the damages caused thereby, or at the time of the presentation to the court of claims of a claim for such value and damages, shall be taken into consideration in determining the consideration to be awarded to the owner on account of such appropriation either by such agreement or by the judgment rendered upon such a claim.

Inspectors.

Sec. 15. The forest preserve board may appoint inspectors to examine the lands upon which timber is removed and ascertain and report to the board, from time to time, or whenever required, whether such timber is being removed in accordance with the provisions of this act, whether any trespasses or other violations of this act are being committed, and whether the persons entitled to the use of such waters for the purpose of removing timber have complied with the regulations and conditions relating thereto, prescribed or imposed by the board.

Compensation.

Sec. 16. The forest preserve board shall fix the compensation of all clerks, inspectors or other assistants employed by it, which compensation shall be paid by the treasurer upon the certificate of the board and the audit and warrant of the comptroller. A person so appointed may be removed at the pleasure of the board.

Practice.

Sec. 17. [This section, as well as sections 18, 19, 20, 21, 22, refer to the practice in the court of claims and elsewhere in regard to condemnation and awarding of compensation for lands taken by the forest preserve board. Not being of a forestal character, they have been omitted.]

Limitations of power.

Sec. 23. The power to appropriate real property vested in the forest preserve board by section four, is subject to the following limitations: Such real property must adjoin land already owned or appropriated by the state at the time the description and certificate are filed in the office of the secretary of state, except that timber lands not so adjoining state land may be appropriated whenever in the judgment of the board timber thereon other than spruce, pine or hemlock is being cut or removed to the detriment of the forests, or the interests of the state.

Appropriated property must adjoin state land.

Exception.

Appropriations.

Sec. 24. [Makes an appropriation of $600,000 and authorizes the issue of bonds. Additional appropriations have subsequently been made from time to time, that of 1904 for the Adirondack Park being $250,000 and $50,000 for the Catskill Park.]

Office of commission.

CUMMING AND GILBERT'S ANN. GENERAL LAWS, PAGE 1493.—*Sec. 154.* The commission shall have an office in the capitol at Albany and hold meetings there at least once a month, and at such other times and places as they may appoint. * * *. The commission may appoint an assistant secretary who shall have a salary of two thousand dollars a year; a superintendent of forests, whose compensation they shall fix, and who shall, subject to the direction of the commission, have general supervision of the forest preserve and the forestry interests of the state; and such other clerical assistants as are actually needed.

Superintendent of forests.

Duties of commission.

Sec. 155. The commission shall have charge of the propagation and distribution of food and game fish and shell fish to supply the waters of the state; * * * of the enforcement of laws for the protection of fish and game and the forests; * * * and such other powers and duties as are or may be imposed on them by law.

Reports.

Sec. 163. The commission shall annually report to the legislature their proceedings for each year ending September thirtieth with such recommendations as they deem proper. In such report they shall include a detailed statement of their receipts and disbursements from all sources; a brief description of the lands purchased during the year for the Adirondack park, and the revenue from leases of lands in said park made prior to January 1, 1895; and statistics of forest fires.

Duties of game protectors.

Sec. 173. Game protectors shall enforce all laws relating to fish and game; all laws of boards of supervisors relating to the same; all laws and regulations for the protection and preservation of the forest preserve and public parks described in this act; and shall have power to execute all warrants and search warrants issued for a violation of the forest, fish and game law; to serve a summons issuing from justice court; to serve subpoenas issued for the examination and investigation or trial of offenses against any of said laws, to arrest without warrant any person committing a misdemeanor under the provisions of this act in their presence and take such person immediately before a magistrate having jurisdiction for trial.

Appointment of game protectors.

NOTE.—The game protectors mentioned in section 173 are to be appointed by the forestry, fish and game commission. They are to number 50 in all and there is to be a chief game protector with a salary of $2,000. These provisions are to be found in New York General Laws, Chap. 31, Sections 170 to 179 inclusive. Except for the parts quoted above, the law imposes duties directly connected with fish and game on the protectors.

Sheriff and constables.

Sec. 177. Peace officers shall have the same powers as game protectors under this act, except the right of search without warrant.

Penalty.

Sec. 192. A person convicted of a misdemeanor under this act shall, except as otherwise provided, be punished by a fine of not less than ten dollars or more than the amount of the penalty recoverable in a civil action for the offense committed; or by imprisonment in the county jail or penitentiary for not less than one day, or more than one day for every dollar of such penalty, or by both such fine and imprisonment.

NOTE 1.—This act (Cumming and Gilbert's Ann. General Laws, page 1521) is not unconstitutional for attempting to take property without due process of law and without just compensation.

People *v.* Rwy. Co., 160 N. Y. 225.

NOTE 2.—Cumming and Gilbert's Ann. General Laws, Chap. 31, which was originally enacted as Chap. 488, Laws of 1892, and has since been variously amended, is known, according to its first section as the "forest, fish and game" law. It is largely taken up with matters relating to fisheries and game; such parts have been omitted, except where they are necessary for the understanding of the forestal provisions. Portions of this law dealing with fires and trespass, respectively, are found in the chapters of this bulletin devoted to those subjects.

Forest preserve.

CUMMING AND GILBERT'S ANN. GENERAL LAWS, PAGE 1503.—*Sec. 216.* The forest preserve shall include the lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Danemora, and the counties of Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

1. Lands within the limits of any village or city, and
2. Lands not wild lands acquired by the state on foreclosure of mortgages made to loan commissioners.

Adirondack Park.

Sec. 217 (As amended by Chap. 304, Laws of 1904). The Adirondack park shall include all lands now owned or hereafter acquired by the state within the following bounds, to-wit: Beginning at the southeast corner of the town of Hope in the county of Hamilton, and running thence westerly along the southerly lines of Hamilton county and continuing and following the southerly line of the town of Wilmurt, in Herkimer county to the point of intersection with the westerly line of Herkimer county, and thence northerly along the westerly lines of Herkimer county, to its junction with the southwesterly line of Saint Lawrence county; thence westerly along said southwesterly line of Saint Lawrence county to the most westerly corner of township fourteen, great tract three, Macomb's purchase; thence easterly along the northerly line of said township fourteen to the northeast corner thereof; thence northerly along the west line of township thirteen, great tract three, Macomb's purchase, to the northwest corner of said township thirteen; thence east along the north line of said township thirteen and the south line of township ten, tract and purchase aforesaid, to the southwest corner of the southeast quarter of said township ten; thence north along the west line of the said southeast quarter of the aforesaid township ten to the north line of said township; thence east along said north line to the west line of township seven, great tract two, Macomb's purchase; thence northerly along the west line of township seven aforesaid to the northwest corner of the township; thence easterly along the northerly lines of townships seven and eight, great tract two, Macomb's purchase, to the southwest corner of township twelve of said great tract two; thence northerly along the west line of township twelve to the northwest corner of lot one in the south half of said township; thence easterly along the north line of said south half of said township twelve to the west line of the county of Franklin; thence north along the west line of the county of Franklin to the northwest corner of the south half of township thirteen of great tract one, Macomb's purchase; thence easterly along the northerly line of the south half of townships thirteen, fourteen and fifteen of said great tract one, Macomb's purchase, to the west line of the old Military tract; thence south along said west line to the northwest corner of township ten of said old Military tract; thence easterly along the north line of said township ten to the west line of Clinton county; thence southerly along the west line of Clinton county to the north line of Essex county; thence easterly along the north line of Essex county to the northeast corner of the town of Wilmington; thence along the east and easterly lines of the town

of Wilmington to the intersection with the north line of the town of Keene; thence east to the northeast corner of said town of Keene; thence southerly along the easterly line of the town of Keene to the southeast corner thereof; thence easterly along the northerly line of the town of North Hudson to the most northeasterly corner of the said town; thence southerly along the easterly lines of the town of North Hudson and Schroon to the southeast corner of the said town of Schroon; thence westerly along the southerly lines of the towns of Schroon and Minerva to the northeasterly corner of Leggett's survey of the southwest quarter of township fourteen of Totten and Crossfield's purchase; thence southeasterly along the line of Leggett's survey to the southerly line of said township fourteen; thence southwesterly along the line of Leggett's survey, being the southerly line of said township fourteen, to the most southerly corner of said township; thence southeasterly along the easterly line of township thirteen and the westerly line of township twelve to the southeasterly corner of lot twenty-five of township eleven of said Totten and Crossfield's purchase; thence southwesterly along the southerly lines of lots twenty-five, twenty-six, twenty-seven and twenty-eight to the southwesterly corner of said lot twenty-eight; thence southeasterly along the easterly lines of lots forty-four, fifty-three, sixty-eight, seventy-seven and five of said township eleven, and of lots nine, twenty-one, thirty, thirty-seven and forty of the gore between township eleven of Totten and Crossfield's purchase and the Dartmouth patent and of lots five of ranges six, seven, eight, nine and ten of the Dartmouth patent to the southeasterly corner of lot five of said range six of said patent in Warren county; thence westerly along the southerly line of said range six of Dartmouth patent to the northeasterly line of Palmer's purchase; thence southeasterly along the easterly line of said Palmer's purchase to the most easterly corner of the middle division of said purchase; thence southwesterly along the southerly line of the said middle division of Palmer's purchase through Saratoga county to the easterly boundary of the town of Hope in Hamilton county; thence southerly along the east line of the town of Hope to the place of beginning. Such park shall forever be reserved and maintained for the free use of all the people.

Catskill Park.

Sec. 217a (As established by Laws of 1904, Chap. 233). The Catskill park shall include all lands now owned or hereafter acquired by the state within the following boundaries, to-wit: Beginning in Ulster county at the southeasterly corner of Great Lot five of the Hardenburg patent, thence running northwesterly along the southerly boundary of said Great lot five through Sullivan county to the east branch of the Delaware river in Delaware county; thence along the southerly bank of the said east branch of the Delaware river to the Ulster and Delaware railroad at the village of Arkville; thence along said Ulster and Delaware railroad easterly to the line between the counties of Delaware and Ulster; thence northeasterly along that line to the southerly line of Greene county; thence northwesterly along the southerly line of Greene county to the line between the towns of Halcott and Lexington; thence northerly along the easterly line of the town of Halcott to the line between Great Lots twenty and twenty-one

of the Hardenburg patent; thence northerly along said line to the south bank of the Bataviakill; thence along the southerly bank of the Bataviakill easterly to the west line of the state land tract; thence northerly, easterly and southerly along the line of the said state land tract to the line between the towns of Cairo and Catskill; thence southwesterly along said town line to the easterly line of the town of Hunter; thence southerly along the said easterly line of the town of Hunter to the line of the Hardenburg patent; thence easterly, southerly and westerly along the general easterly line of the Hardenburg patent to the line between the towns of Olive and Rochester of Ulster county; thence easterly on said line to the point where the Mettacahonts creek crosses the same flowing easterly; thence southwesterly parallel with the northwesterly line of the town of Rochester to the line between the towns of Rochester and Wawarsing; thence westerly and southerly along the line of the Hardenburg patent to the place of beginning. Such park shall forever be reserved and maintained for the free use of all the people.

Saint Lawrence Reservation.

Sec. 218. All that part of the river Saint Lawrence lying and being within the state, with the islands therein, and such lands along the shore thereof as are now owned by or shall hereafter be acquired by the state, is hereby constituted an international park, which shall be known as the "Saint Lawrence Reservation."

Deer parks within the forest preserve.

Sec. 219. The commission shall establish in the forest preserve in the counties of Delaware, Greene, Sullivan and Ulster not more than three deer parks for breeding deer and wild game. The commission may purchase and place in such parks deer or other game. No game shall be taken in any such park for five years after it is established. The commission may at any time enlarge the boundaries of said parks and may receive private subscriptions and expend the same as public moneys for the purposes named, or to purchase lands in such parks.

Powers of Commission.

Sec. 220. The commission shall

Care for the forest preserve.

1. Have the care, control and supervision of the forest preserve and all public parks described in this article; and make from time to time rules for the use, care and administration thereof and enforce the same; but no such rule shall affect the free use of any road or waterway as the same may have been heretofore lawfully used, or may be reasonably required in the prosecution of lawful business.

Make roads and trails.

2. Lay out roads and paths in such public parks and issue licenses on such terms as it may impose for guides or other persons engaged in business therein.

Have powers originally in commissioners of the land office.

3. Possess all the powers relating to the forest preserve and the Adirondack Park which were vested in the commissioners of the land office and in the comptroller on May 15, 1885.

Forest fires.

4. Make rules for the prevention of forest fires and cause the same to be posted in all proper places throughout the state.

Publish information.

5. Prepare and distribute tracts giving information on the care and renewal of private woodlands, and with the approval of the superintendent of public instruction and the regents of the University, supply to schools, academies and colleges the means of instruction in forestry.

Partition proceedings.

Sec. 221. Whenever the state owns an undivided interest in lands in the forest preserve, or is in possession of such lands as joint tenant or tenant in common with another having a freehold estate therein, the attorney-general shall, on the request of the commission, bring an action in the name of the people for the actual partition thereof. On the written consent of the commission, a co-tenant may maintain an action for the actual partition of such land, making the state a party defendant, and service of process upon the attorney-general shall be deemed service upon the state. Lands shall not be sold in such an action, nor shall costs be allowed against the state. Actual partition of such lands may be made by the commission, subject to the approval of the comptroller, who may in the name of the people make any conveyance necessary or proper in such partition. Such conveyances shall be recorded in like manner as conveyances made by commissioners of the land office.

NOTE.—Sec. 222 refers to trespasses and may be found on page 135 of this bulletin.

Sec. 223. Subject to the approval of the commissioners of the land office, the commission may

Purchase lands.

1. Contract for the purchase of lands by the state within the Adirondack Park subject to such reservation as may be agreed upon during the ten years next following the date of the contract, except the removal of trees under twelve inches in diameter, three feet from the ground.

Contract for private land to become part of the park.

2. Contract that such lands not owned by the state shall, in consideration of exemption from taxation for state and county purposes, become public as part of the park in like manner as state lands. Such a contract must provide against the removal of live timber except spruce, tamarack or poplar, more than twelve inches in diameter, three feet from the ground, and may reserve to the owner the right to clear not more than one acre within one hundred acres of land, and may contain such other reservations for occupancy as may be agreed upon. The approval of the commissioners of the land office must appear on any such contract by the certificate of their clerk. Every conveyance to the state made as herein provided must, before it is accepted, be certified by the attorney-general to be in conformity with the contract. Such conveyances shall be recorded in like manner as conveyances made by commissioners of the land office.

Approval of commissioners of land office.

NOTE.—This section is modified by the act establishing the forest preserve board (General Statutes, Page 1521, see above, page 57 of this bulletin). But as the extent of such modification may not be entirely beyond doubt, both provisions are inserted.

Use of money received from sale or lease.

Sec. 224. Moneys received from the sale or lease of lands forming part of the forest preserve shall be available only for the purchase of lands to extend the same, and expenses incidental to such purchase, and shall not be paid except upon the order of the commission and audit of the comptroller.

NOTE 1.—Cumming and Gilbert's General Laws, Page 1519 (Chap. 561, Laws of 1895), directs the acquisition for the Adirondack Park of lands damaged by the construction of

canal reservoirs. General Laws, Page 1519 (Chap. 259, Laws of 1897), directs the acquisition of lands held by the county of Ulster under tax titles, situate in the towns of Hardenbergh, Deming and Shandaken.

NOTE 2.—Article X of the Forest, Fish and Game Law, Page 1498, Cumming and Gilbert's General Laws, regulates the procedure and practice in prosecutions under this act. Not being of a forestal nature, it has been omitted.

NORTH CAROLINA.

Appalachian Forest Reserve.

LAWS OF 1901, CHAP. 17.—Whereas, it is proposed that the federal government purchase lands in the high mountain region of Western North Carolina and adjacent states for the purpose of establishing there a National Forest Reserve which will perpetuate these forests and forever preserve the headwaters of many important streams and which will thus prove of great and permanent benefit to the people of this state; and

Whereas, a bill has been introduced in the Federal Congress, providing for the purchase of such lands for said purpose; therefore,

The General Assembly of North Carolina do enact:

Consent of state.

Sec. 1. That the consent of the General Assembly of North Carolina be and is hereby given to the acquisition by the United States, by purchase or by condemnation with adequate compensation, except as hereinafter provided, of such lands in western North Carolina as in the opinion of the Federal Government may be needed for the establishment of such a National forest reserve in that region: Provided, That the state of North Carolina shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the state of North Carolina against any person charged with the commission of any crime without or within said jurisdiction may be executed thereon in like manner as if this act had not been passed.

Power to legislate.

Sec. 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition, as hereinbefore provided, for incorporation in said National Forest Reserve, of such forest-covered lands in western North Carolina as in the opinion of the federal government may be needed for this purpose: Provided, That as much as two hundred acres of any tract of land occupied as a home by bona fide residents in this state at the date of the ratification of this act shall be exempt from the provisions of this section.

Same.

Sec. 3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the management, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

NOTE.—See also page 88 of this bulletin for similar enactments by South Carolina and Tennessee respectively.

OREGON.

NOTE.—Section 2051 of Codes and Statutes provides for the appointment by the governor, of a "state game and forest warden." The statutory duties of this official, however, relate exclusively to the protection of fish and game, except that it is in general terms made his duty (Sec. 2053) "to enforce the laws of the state of Oregon for the protection of trout, game fish, game birds, game, wild fowl, song birds, and forests."

Game and forest warden to protect forests.

PENNSYLVANIA.

LAWS OF 1901, PAGE 11—*Sec. 1.* There is hereby established a Department of Forestry, to consist of the Commissioner of Forestry and four other citizens of the Commonwealth, who together shall constitute the State Forestry Reservation Commission; each of whom shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate; the Commissioner of Forestry for a term of four years, two of the said citizens for a term of two years, and two of the said citizens for a term of four years; and thereafter all appointments shall be made by the Governor, by and with the advice and consent of the Senate, for a term of four years. The persons so appointed, before entering upon the discharge of their duties, shall each take and subscribe to the oath of office prescribed by Article Seven of the Constitution of Pennsylvania. The Commissioner of Forestry, and the Forestry Reservation Commission so appointed, shall be clothed with all the powers heretofore conferred by law respectively upon the Commissioner of Forestry and the Forestry Reservation Commission, so far as the same are consistent with the provisions of this act, and in addition shall have full power, by and with the consent of the Governor, to purchase any suitable lands in any county of the Commonwealth, that in the judgment of said commission the state should possess for forest preservation: Provided, That in no case shall the amount paid for any tract of land, purchased under the provisions of this act, exceed the sum of five dollars per acre. Said commission shall also have full power to manage and control all the lands which it may purchase under the provisions of this act, as well as those that have heretofore been purchased and which are now owned by the state under existing laws. Said commission is also empowered to establish such rules and regulations with reference to control, management and protection of forest reservations and all lands that may be acquired under the provisions of this act, as in its judgment will conserve the interests of the Commonwealth, and whenever it shall appear that the welfare of the Commonwealth, with reference to reforestation and the betterment of state reservations, will be advanced by selling or disposing of any of the timber on forestry lands, the commission is hereby empowered to sell such timber on terms most advantageous to the state; and said commission is hereby empowered to make or execute contracts or leases, in the name of the Commonwealth, for the mining or removal of any valuable minerals that may be found in said forestry reservations, when ever it shall appear to the satisfaction of the commission that it would be for the best interests

Department of forestry.

Commissioner of forestry.

State Forestry Reservation Commission.

Length of term.

Oath of office.

Powers.

To purchase lands for forest preservation.

Maximum price per acre.

Rules and regulations.

Power to sell timber.

Lease of mineral land.

of the state to make such disposition of such minerals: and, provided, that such contracts or leases shall also be approved by the governor of the Comonwealth after the proposed said leases or contracts shall have been duly advertised in at least three newspapers published nearest the reservation designated, for one month, in advance of said contract or lease, and the contracts or leases shall be awarded to the highest bidder, and he or they shall have given such bond as the commission shall designate for the performance of his or their part of the contract, and the said bond shall have been approved by the court of the county wherein the contracts or leases are made: Provided, however, That when by virtue of leases or contracts for removal of minerals and sale of timber from any lands purchased by the state for forestry reservations, there comes a net revenue to the state, one-half of said net revenue derived from lands situated in any township shall be paid by the State Treasurer to the treasurer of such township, for application to township purposes, and reduction of local tax levies in such township: Provided, that there shall not be paid to any one township, during any year, more than twice the amount of taxes that would be received by such township from said lands if they were owned by individuals.

Advertisement.

One-half of net revenue to be paid to township.

Exception.

Kindling fires and trespasses made a misdemeanor.

Sec. 2. Any person or persons who shall kindle fires upon any of the forestry reservations of this Commonwealth, except in accordance with such rules and regulations as may be prescribed by the Forestry Reservation Commission, or who shall cut or remove any timber whatever, or who shall do or cause to be done any act that will damage forest lands or timber belonging to this Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof be subject to a penalty of not less than one hundred dollars nor more than five hundred dollars for each offense committed, with costs of suit, which penalty and costs of suit shall be collected in the same manner as is now provided by existing laws for like offenses committed on forest lands belonging to individuals; all fines and penalties when collected to be paid to the Commissioner of Forestry, who is hereby directed to pay the same over to the state treasury; Provided, that if the defendant or defendants neglect or refuse to pay at once the penalty and costs imposed, he or they shall be committed to the common jail of the county wherein the offense was committed, until such penalty and costs are paid.

Trespasses.

Penalty.

Imprisonment.

Commissioner of Forestry.

Sec. 3. The Commissioner of Forestry shall be the president and executive officer of the Forestry Reservation Commission, and also superintendent of the state forestry reservations, and shall have immediate control and management, under the direction of the Forestry Reservation Commission, of all forest lands already acquired or which may hereafter be acquired by the Commonwealth, but the power so conferred upon the said Commissioner of Forestry shall not extend to the enforcement of the laws relating to public health or the protection of fish and game. It shall be the duty of the Commissioner of Forestry to encourage and promote the development of forestry and to obtain and publish information respecting the extent and condition of forest lands in the state, to execute all rules and regulations adopted by the Forestry Reservation Commission for the enforcement of all laws designed

To promote forestry.

To enforce rules and regulations.

for the protection of forests from fire and depredation; and he is hereby empowered to employ such detective service, and such legal and other service as may be necessary for the protection of the forestry reservations owned by the Commonwealth and for the apprehension and punishment of persons who may violate any of the forestry reservation laws, or any of the rules and regulations which under the powers herein given may be adopted by the Forestry Reservation Commission; Provided, that the services so employed and the expenses that may thereby be incurred shall be approved by said Forestry Reservation Commission and the Governor of the Commonwealth. To detect and punish offenders.

Sec. 4. The Commissioner of Forestry shall receive a salary of three thousand dollars per annum, and in addition thereto shall be reimbursed for all necessary expenses of travel which may be incurred in the discharge of the duties of his office; and the other members of the Forestry Reservation Commission shall serve without salary, but shall be reimbursed for all necessary expenses incurred by them in the performance of the duties of their office. Salary.

Sec. 5. The Commissioner of Forestry shall have an office at the state capitol, and it shall be the duty of the Commissioner of Public Grounds and Buildings to provide, from time to time, the necessary rooms, furniture, apparatus and supplies for the use of the Department of Forestry created under the provisions of this act. Office.

Sec. 6. All moneys appropriated by the General Assembly in the general appropriation act of 1899 for the Division of Forestry of the State Department of Agriculture, as for salaries and contingent fund, which may remain unexpended at the time of the approval of this act, shall be transferred to and be vested in the Department of Forestry hereby created; and the clerk of the Commissioner of Forestry hitherto appointed under the law creating the Department of Agriculture, shall be transferred from the Department of Agriculture to the Department of Forestry on the same salary that he now receives. Funds transferred.

Sec. 7. The purchase money for lands acquired and all expenses that may be incurred except the salaries of the Commissioner of Forestry and his clerk, shall be paid by the state treasurer out of any moneys in the treasury not otherwise appropriated on warrant of the auditor general upon vouchers duly approved by resolution of the Forestry Reservation Commission and the Governor of the Commonwealth. Expenses, how paid.

Sec. 8. The title of all lands acquired by the Commonwealth for forestry reservations shall be taken in the name of the Commonwealth, and shall be held by the Commissioner of Forestry, and such lands shall not be subject to warrant, survey or patent, under the laws of the Commonwealth authorizing the conveyance of vacant or unappropriated lands, and all such forestry reservation lands shall be exempt from taxation from the time of their acquisition. In all cases where lands have been purchased or may hereafter be purchased by the Forestry Reservation Commission, for forest reservations, where there are public roads, regularly established, running into or through said lands, the Commissioner of Forestry under such rules and regulations as the Forestry Title to forest reserve lands. Forest reservation lands exempt from taxation. Public roads to be maintained.

Reservation Commission is hereby authorized to adopt, may expend a sum not exceeding twenty-five dollars per mile in each year for the maintenance repair or extension of any such roads, and on roads bordering on reservations, one-half of this rate per mile may be expended. All expenses that may thus be incurred shall be subject to the approval of the Forestry Reservation Commission and the Governor of the Commonwealth, and shall be paid in the same manner as other expenses are provided for in this act.

Bond.

Sec. 9. The Commissioner of Forestry shall receive the moneys to which the state may be entitled by virtue of the sale of any timber or by virtue of any leases or contracts relating to the disposal of minerals, as hereinbefore provided, and he shall immediately pay the same over to the state treasurer as a part of the revenue of the Commonwealth. The said Commissioner of Forestry shall give his bond to the Commonwealth, with two sureties to be approved by the governor, in the sum of ten thousand dollars for the faithful discharge of the duties imposed by this act, and for the proper accounting of any moneys to the Commonwealth that may come into his hands by virtue of his position as Commissioner of Forestry.

Deputy Commissioner.

Salary.

LAWS OF 1903, PAGE 60.—*Sec. 1.* On and after the passage of this act, the governor is hereby authorized to appoint a Deputy Commissioner of Forestry at a salary of twenty-five hundred dollars per annum, and an additional clerk in the office of the Commissioner of Forestry, at a salary of fifteen hundred dollars per annum.

LAWS OF 1897, PAGE 86.—[This is the original act providing for forestry reservations. The Commissioner of Forestry and Forestry Reservation Commission mentioned in section one of Laws of 1901, above, were authorized by this act and their powers, here set forth, were transferred by that act. Only so much is inserted as does not seem to be superseded by subsequent enactments.]

Powers of Forestry Reservation Commission.

Condemnation proceedings.

Jury awards.

Sec. 4. The said commission shall have full power to take by right of eminent domain and condemn the lands it has selected for the purposes aforesaid as state reservations for the use and behoof of the Commonwealth, and wherever it shall be necessary to have a recourse to a jury to assess the damages for any property to be taken as aforesaid, the said jury shall consist of such number, and shall proceed, and their award shall be reviewed and enforced in the same manner as now provided by law for the taking of land for the opening of roads in the respective counties in which said property is situated. And all the lands acquired by the state for public reservations by the action of said commission shall be paid for by the state treasurer, upon a warrant drawn by the auditor general of the Commonwealth, after approval by the governor.

Payments.

Private preserves not to be condemned.

Sec. 6. Nothing herein contained shall authorize the taking, for the purposes of this act, of any land held by any corporation created for the purpose of the preservation of forests.

Tax lands.

LAWS OF 1897, PAGE 11 (AS AMENDED BY LAWS OF 1899, PAGE 98).—*Sec. 1.* From and after the first day of January A. D. 1898, whenever any unseated lands within this Commonwealth shall,

under existing laws, become liable to sale by the respective county treasurers or the county commissioners for the nonpayment of taxes, it shall be the duty of such treasurers and commissioners to publish a notice once a week for six successive weeks in at least two newspapers of general circulation within the county in which the lands lie, and if two newspapers be not published in said county, then in one newspaper in or nearest to the same, which notice shall contain the names of the owners when known, the warrants, numbers, names of warrantees when known, the number of acres contained in each tract, the township in which the same is located, and the sums due upon each tract for taxes; and further to mail to the Secretary of Agriculture and the Commissioner of Forestry, each, ten copies of such printed advertisement immediately upon the publication thereof.

Advertisement.

Notice to Commissioner of Forestry.

Sec. 2. It shall be the duty of the Commissioner of Forestry to inquire into and examine the location and character of unseated lands advertised by the respective county treasurers and county commissioners of this Commonwealth, for sale for the non-payment of taxes, and if in his judgment the same are so located and are of such a character as to make them desirable for the Commonwealth for the purpose of creating and maintaining a forestry reservation, he shall have power, at his discretion, to purchase any such lands for and in behalf of the Commonwealth at such tax sales, subject to the right of redemption under existing laws: *Provided, however*, That the bid made and the price paid for said lands shall in no case exceed the amount of taxes for the non-payment of which the same are being sold, and the costs. For all purchases so made in behalf of the Commonwealth, the auditor general shall draw his warrant upon the state treasurer to the order of the county treasurer upon certificate filed by the Commissioner of Forestry with the said auditor general. * * *

Commissioner of Forestry to examine such lands.

May purchase for forest reserves.

May not pay more than taxes due and costs.

NOTE.—The remaining provisions of this section have been superseded by the Laws of 1901, page 11. See page 67 of this bulletin.

Sec. 3. In the event of redemption of said lands, the redemption money paid shall be remitted to the state treasurer by the county treasurer, with a statement describing the tract of land so redeemed.

Redemption.

Sec. 4. The title to all lands so purchased, and not redeemed after the expiration of the time limited for redemption, shall be taken as vested in the Commonwealth to the same extent and with the like effect as though such purchase had been made by an individual at such sale, and the county treasurer shall certify to the Secretary of Agriculture lists of all lands purchased in behalf of the Commonwealth and not redeemed within the time limited for such redemption, with a description of each tract, as required by section one of this act, and thereafter such lands shall not be subject to further taxation, while the same are owned by the Commonwealth. It shall be the duty of the Secretary of Agriculture to keep a record in a book, to be specially provided for that purpose, of all the lands so acquired by the Commonwealth, with full description of each tract, the character of the same, the date of purchase, the price paid, when the title became absolute, or if redeemed, the date of redemption.

Vesting of title.

A record to be kept of State lands.

Shall become part of forest reserve.

Sec. 5. The lands so acquired by the Commonwealth shall be under the control and management of the Department of Agriculture, but assigned to the care of the Division of Forestry, and shall become a part of a forestry reservation system, having in view the preservation of the water supply at the sources of the rivers of the state, and for the preservation of the Commonwealth and their property from destructive floods.

NOTE.—By Laws of 1901, page 11, the Commissioner of Forestry takes the place of the Secretary of Agriculture and the Department of Forestry that of the Department of Agriculture in last two secions. See page 67 of this bulletin.

Powers of forest police.

LAWS OF 1903, PAGE 24—*Sec. 1.* The persons employed under existing laws, by the Commissioner of Forestry, for the protection of state forestry reservations, shall after taking the proper official oath before the clerk of the court of quarter sessions of any county of the Commonwealth, be vested with the same powers as are by existing laws conferred upon the constables and other peace officers; to arrest on view, without first procuring a warrant therefor, persons detected by them in the act of trespassing upon any forest or timber land within this Commonwealth under such circumstances as to warrant the reasonable suspicion that such persons have committed are committing or are about to commit some offence or offences against any of the laws now enacted or hereafter to be enacted for the protection of forest and timber lands. Such officers shall likewise be vested with similar powers of arrest in the case of offences against the laws or the rules and regulations enacted or to be enacted for the protection of the state forestry reservations; or for the protection of the fish and game contained therein; Provided, That the above mentioned rules and regulations shall have been previously conspicuously posted upon the reservation. Said officers shall further be empowered, and it shall be their duty, immediately upon any such arrest, to take and convey the offender or offenders before a justice of the peace or other magistrate having jurisdiction, for hearing and trial, or other due process of law; Provided, further, that this act shall extend only to the case of offences committed upon said forestry reservations and lands adjacent thereto; and the powers herein conferred upon said constables shall not be exercised beyond the limits thereof, except where necessary for the purpose of pursuing and arresting such offenders, or of conveying them into the proper legal custody, for punishment as aforesaid.

Same powers as peace officers to arrest without warrant.

Fish and game laws.

Trial of trespassers.

Power confined to forest reserves and adjacent land.

Purchases of forest reserve land not to exceed $300,000.

LAWS OF 1903, PAGE 201—*Sec. 1.* From and after the passage of this act the amount of money expended by the state Forestry Reservation Commission for the purchase of land by the state Forestry Reservation Commission shall not exceed the sum of three hundred thousand dollars; Provided, That contracts heretofore made for the purchase of land by the state Forestry Reservation Commission shall not be affected by this act. All proceeds derived from the lands purchased by the said Commission shall be paid into the state treasury, and shall be held as a special fund, and shall be paid by the state treasurer to the said Commission, from time to time upon warrants drawn by the Commissioner of Forestry and countersigned by the auditor general, for the purpose of assisting in defraying the necessary expenses of protecting

Special fund.

and improving the said lands, or for the purchase of additional land.

Right of way for street railways.

LAWS OF 1903, PAGE 200—*Sec. 1.* The Commissioner of Forestry and the Forestry Reservation Commission are hereby authorized and empowered to give to street railway companies, duly incorporated under the laws of the Commonwealth, upon such terms and subject to such restrictions and regulations as said Commissioner and Commission may deem proper, the privilege to construct, maintain, and operate their lines of railway over, along and upon public highways now laid out and in actual use, which lie within or bordering upon any forest reservations now owned or hereafter to be acquired by the Commonwealth, whenever in the judgment of the said Commissioner and Commission the interests of the Commonwealth in the said reservations shall be benefitted thereby.

Sanatorium for poor consumptives.

LAWS OF 1903, PAGE 454—*Sec. 1.* Immediately after the passage of this act, the Commissioner of Forestry shall select a suitable site for the erection of a sanatorium for poor consumptives, within the bounds of the State Forestry Reservation, located near Mont Alto, in Franklin County. He shall have authority to select and decide upon a design for said sanatorium, and the material out of which it shall be constructed, and shall, have full power to make contracts for its construction; but he shall make no contracts in excess of the appropriation herein named. The total cost of the said sanatorium, and its maintenance for the two fiscal years beginning June first, 1903, shall not exceed the sum of eight thousand dollars.

Appropriation.

Sec. 2. For the purpose of carrying out the provisions of this act, the sum of eight thousand dollars is hereby specifically appropriated, out of any moneys in the state treasury not otherwise appropriated, the said appropriation to be paid by the state treasurer upon warrants drawn by the auditor general, from time to time as the work progresses, upon specifically itemized vouchers, approved by the Commissioner of Forestry and the Governor.

Rules and regulations.

Sec. 3. After the completion of said sanatorium, the same shall be under the control and management of the Commissioner of Forestry, who is hereby empowered to take control of said sanatorium and make and enforce such rules and regulations, in relation thereto and the use thereof, as in his judgment shall be deemed best and proper.

Assessors to schedule timber land.

NOTE 1.—Act of June 13, 1883, provides that tax assessors must make returns of the area of timberland in their districts.

Compulsory tree planting in towns.

NOTE 2.—Act of June 17, 1901, provides that, on the petition of a majority of the property owners of any public street of any borough, the burgess and council may provide for and enforce the planting of shade trees, or, if owners refuse to so plant, that the borough may plant and collect the cost from the owners.

Rebate of tax for shade trees by the roadside.

NOTE 3.—Act of July 2, 1901, encourages roadside planting by allowing a rebate of road taxes up to one-quarter of the total tax for trees maintained along the highway. See full text of the law under chap. V of this bulletin, page 226.

PHILIPPINE ISLANDS.

Shipments to foreign ports.

ACTS OF THE PHILIPPINE COMMISSION, No. 165.—*Sec. 1.* Any person who desires to ship forest products of whatever sort to a foreign port shall produce to the collector of customs at the port of shipment a receipt from a forestry official showing that the forestry taxes on these products have been paid, unless such products are taken from private land the title to which has been properly registered in the office of the Forestry Bureau at Manila, in which case the shipper shall produce a certificate from a forestry official to this effect.

Sec. 2. No collector of customs shall clear a vessel having on board forest products of any sort from any port of the Philippine Islands for a foreign port until the shipper of such products has complied with the provisions of section one of this Act.

Sec. 3. Every collector of internal revenue and every provincial treasurer in the Philippine Islands shall make to the Chief of the Forestry Bureau an itemized monthly report of all moneys received by him for taxes on forest products, giving for each payment the date when made, the name of the payor, the number of the forestry official's order under which the payment is made, the nature of the product on which the payment is made, the name of the province in which it was taken and the amount of the payment.

* * * * *

Bureau of Public Lands.

ACTS OF THE PHILIPPINE COMMISSION, No. 218.—*Sec. 1.* There is hereby created under the Department of the Interior an Insular Bureau of Public Lands which shall have charge of all the public domain of the Government of the Philippine Islands, except so far as control thereof may be necessary to the functions of the Forestry and Mining Bureaus, which shall not be affected by this Act. Under the supervision of the Bureau of Public Lands shall be executed all instruments for the sale or conveyance of the public lands when authorized by law.

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ACTS OF THE PHILIPPINE COMMISSION, No. 527.—*Sec. 1.* Section eighteen of Act Numbered Eighty-three, entitled "The Provincial Government Act," as amended by Act Numbered One hundred and thirty-three, entitled "An Act to amend the Provincial Government Act, Numbered Eighty-three," is hereby amended to read as follows:

Collection and disposition of taxes.

"*Sec. 18.* In all provinces organized under this Act, the industrial tax, the stamp taxes, and all other taxes known as inland revenue taxes, except taxes on forest products from Government lands, shall cease to be levied and collected as heretofore for the Central Government of the Archipelago from and after the thirtieth of June, nineteen hundred and one, and shall thereafter be collected as provincial and municipal taxes by the provincial and municipal treasurers, until such time as an internal-revenue law shall be enacted by the Commission. One half of the taxes so collected shall be paid into the provincial treasury and the other one-half shall be paid into the treasuries of the respective municipalities in which they shall be collected. The treasurer of each

province shall, either in person or through his deputies, or through the municipal treasurers of the province, collect, subject to the forestry regulations, the Government valuations on forest products from public lands, and each collector of internal revenue and each provincial treasurer in the Philippine Islands shall make to the Insular Auditor and to the Chief of the Forestry Bureau itemized monthly reports of moneys received by him from taxes on forest products, giving for each payment the date when made, the name of the payor, the number of the forestry official's order under which the payment is made, the nature of the product on which the payment is made, the name of the province in which it was taken, and the amount of the payment. All moneys received by any provincial treasurer or collector of internal revenue from taxes on forest products shall be covered into the Insular Treasury by him. Collections derived from forest products on Government land under the forestry regulations shall be regarded for the purposes of this section as collected in the province where the timber is cut or the forest products obtained, although actually collected at Manila or some other place. The net amount of the collections under the forestry laws made in the provinces and in the city of Manila shall be, after July first, nineteen hundred and two, returned pro rata to the provinces to which they respectively relate, after the entire expenses of conducting the Forestry Bureau and the service under its control shall have been deducted from the gross receipts. Such return shall be made as soon as the accounts of collections and disbursements shall have been settled and adjusted by the Auditor. Such returns of forestry collections to the provinces shall be made upon certificates of the amount due by the Auditor, by settlement warrant, and for this purpose an appropriation of the sums so required is hereby made. One-half of all sums so returned to each province shall be covered into the provincial treasury and shall be available for all lawful provincial expenses. The remaining one-half shall be divided among the several municipalities from which came the forest products on which the original collections were made, pro rata to the amounts originally collected on products from each municipality. In the case of internal revenue collected in unorganized provinces and returned to them for disbursement upon organization, and in that of collections on forest products made at Manila where it is possible from the records in the office of the Acting Collector of Internal Revenue, the Forestry Bureau, and the provincial treasurer to determine to what municipality such funds belong, the provincial treasurer shall transfer such funds to the province, and if at any time the provincial treasurer shall ascertain to what municipality such funds were due he shall reimburse such municipalities for the amounts respectively due them from provincial funds. The stamps required by law for the collection of taxes shall be furnished to provincial treasurers by the Insular Treasurer, who shall obtain the same from the City Assessor and Collector of Manila in sufficient quantities for the purposes of this section, giving a proper receipt therefor. The provincial treasurer receiving the stamps shall receipt for the same to the Insular Treasurer. The Insular Treasurer shall render a monthly account-current to the Insular Auditor of the stamps furnished by

him to provincial treasurers, supporting the same by proper vouchers. Provincial treasurers shall render for each month a report of stamps sold and stamps on hand to the Insular Auditor."

Sec. 2. Section ninety-seven of Act Numbered Eighty-two, entitled "The Municipal Code," paragraph (*c*) of section one of Act Numbered Three hundred and seventy-four amendatory thereof, and all other acts or parts of acts in conflict with the provisions of this Act, are hereby repealed.

* * * * *

The public land act.
Valuable timber lands not to be sold.
Forester to certify.
Lease of public lands.

NOTE.—Acts of the Philippine Commission, No. 926, known as "The Public Land Act," provides with regard to forest questions as follows: Sec. 2, That applications for public land must not be for land more valuable for "forestry purposes" than for agricultural. Sec. 13, That the Chief of the Bureau of Forestry shall certify whether such lands are more valuable for "forestry purposes." Sec. 26, That, in case of applications for leases of public lands, the Chief of the Bureau of Forestry must certify concerning the nature of the land. Sec. 30, That "the lease of any public lands under this act shall not confer the right to remove or dispose of any valuable timber except as provided in regulations of the Bureau of Forestry for cutting timber upon such lands."

ACTS OF THE PHILIPPINE COMMISSION, No. 1189.—

* * * * *

Apportionment of money collected from taxation.

Sec. 147. Of the taxes assessed and collected by virtue of the provisions of this Act the following shall inure to the Insular Treasury and be devoted wholly to the purposes of the Insular Government, except such portion thereof as is in this article set apart for the use and benefit of the provincial and municipal governments:

First. All stamp taxes.

* * * * *

Tenth. All taxes on forestry products.

* * * * *

Sec. 150. Ten per centum of all revenues accruing to the Insular Treasury by virtue of the provisions of this Act shall be set apart by the Insular Treasurer for the benefit of the several provincial governments for general provincial purposes, and said sum of ten per centum shall be apportioned among the several provinces in proportion to their respective populations as shown by the census of nineteen hundred and three. Fifteen per centum of all the revenues accruing to the Insular Treasury by virtue of the provisions of this Act shall be set apart by the Insular Treasurer for the benefit of the several municipal governments for general municipal purposes in accordance with law, and said sum of fifteen per centum shall be apportioned among the several municipalities in proportion to their respective populations as shown by the census of nineteen hundred and three: *Provided*, That of the fifteen per centum of the revenues set apart by this section for the benefit of the several municipal governments, one-third thereof shall be utilized solely for the purposes of the maintenance of free public primary schools in the respective municipalities, including the payment of teachers, the building of schoolhouses, and other expenditures appertaining to the maintenance of the public schools. For the purposes of this Act the city of Manila shall be deemed as a municipality and as a province, so that in the apportionment to

the several provinces and municipalities it shall receive on a basis of twenty-five per centum. The distribution of funds to the provinces and municipalities under this section shall be made once every three months, beginning with the first day of January, nineteen hundred and five.

Sec. 151. Wherever in this Act it is prescribed that a duty shall be performed by the provincial treasurer and his deputies, the duty so imposed on the provincial treasurer and his deputies shall be performed in the city of Manila by the City Assessor and Collector and his deputies.

ACTS OF THE PHILIPPINE COMMISSION, No. 1148.—*Sec. 1.* The short title of this Act shall be "The Forest Act." The Forest Act.

Sec. 2. The public forests and forest reserves of the Philippine Islands shall be held and administered for the protection of the public interests, the utility and safety of the forests, and the perpetuation thereof in productive condition by wise use; and it is the purpose of this Act to provide for the same. Public forests and forest reserves.

Sec. 3. The public forests shall include all unreserved public lands covered with trees of whatever age. Public forests defined.

Sec. 4. Upon the recommendation of the Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, the Civil Governor may set apart forest reserves from the public lands, and he shall by proclamation declare the establishment of such reserves and the boundaries thereof, and thereafter such forest reserves shall not be entered, sold, or otherwise disposed of, but shall remain as such for forest uses, and shall be administered, except as provided in this section, in like manner as the public forests under this Act: *Provided*, That the Civil Governor may in like manner by proclamation alter or modify the boundaries of any forest reserve from time to time, or revoke any such proclamation, and upon such revocation such forest reserve shall be and become part of the public lands as though such proclamation had never been made. Proclamations of forest reserves. Proviso modification, and revocation.

Sec. 5. The public forests and forest reserves and the timber, firewood, gums, and other products thereof shall not be sold, entered, leased, or otherwise disposed of except as herein provided: *Provided*, That any mining claim, as defined in section one of Act Numbered Six hundred and twenty-four, entitled "An Act prescribing regulations governing the location and manner of recording mining claims, and the amount of work necessary to hold possession of a mining claim, under the provisions of the Act of Congress approved July first, nineteen hundred and two, entitled 'An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,'" in any of the public forests and forest reserves shall be entered only as provided in said Act Numbered Six hundred and twenty-four, and the provisions of this Act shall not be applicable to the entry and location of such claims, but they shall be governed by Act Numbered Six hundred and twenty-four exclusively: *And provided further*, That the authority given by the Chief of the Bureau of Forestry, as hereinafter provided, to issue licenses for the taking of stone and earth from public forests and forest reserves shall be understood to apply only when such stone and earth is taken from lands not more valuable for Limitation upon sale, lease, etc. Provisos. Mining claims. Stone, earth, etc.

mining purposes than for other purposes, and therefore not subject to entry as a mining claim.

Prescription. *Sec. 6.* No prescriptive right to the use, possession, or enjoyment of any forest product, nor any permanent concession, continuing right, privilege, or easement, of any kind whatsoever, upon or within or respecting the products of the public forests or forest reserves, shall accrue or be granted except as provided in this Act. But the public forests and forest reserves shall be and remain open of access for all lawful purposes to the people of the Philippine Islands except as provided in this Act.

Lands more valuable for agriculture. *Sec. 7.* Lands in public forests, upon the certification of the Chief of the Bureau of Forestry that said lands are better adapted and more valuable for agricultural than for forest purposes and not required by the public interests to be kept under forest, shall be declared by the Secretary of the Interior to be agricultural lands.

Detail to assist Chief of Bureau. When in his opinion the public interests so require, the Chief of the Bureau of Forestry may make application to the Chiefs of the Bureaus of Agriculture and Public Lands for the detail of an official from each of the said Bureaus to form, with an official from the Bureau of Forestry, a committee for the purpose of assisting said Chief of the Bureau of Forestry in making this certification, and upon the receipt of said application it shall be the duty of each of said Chiefs of the Bureaus of Agriculture and Public Lands to direct one of his subordinates to render the assistance applied for.

Regulations to be prescribed. *Sec. 8.* The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall prescribe such regulations not inconsistent with the provisions of this Act as may be expedient or necessary for the protection, management, reproduction, occupancy, and use of the public forests and forest reserves, and the said Chief, with the approval of the Secretary of the Interior, is hereby authorized to alter and revise such regulations. He shall in particular provide for the use of the public forests and forest reserves in such manner as to insure for the future a continued supply of valuable timber and other forest products.

Leases. *Sec. 9.* The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, upon proper terms which he may deem reasonable, lease, as herein provided, tracts of land not exceeding four hectares in extent in the public forests and forest reserves, to any person or to any association of persons

For sawmill sites, etc. holding timber licenses, for occupancy as sites for sawmills or timber depots, and the Secretary of the Interior may grant free rights of way through the public lands to enable such person, or association of persons, to get access to the lands to which such licenses apply.

Selection and sale of firewood and other products. *Sec. 10.* The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may select for sale or disposal, and may sell or dispose of by license, from the public forests and forest reserves, at rates of charge to be established by him in accordance with the provisions of sections eleven and twelve of this Act, any timber, firewood for commercial use, gums, resins, and other forest products, whose removal will not be detrimental

to the public forests or forest reserves or to the interests which depend upon them.

Provinces divided into classes:

Sec. 11. For the purposes of this Act the various provinces in the Philippine Islands are divided into two classes:

Class A.

Class A shall include the Provinces of Abra, Bataan, Batangas, Benguet, Bulacan, Capiz, Cavite, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, La Laguna, Nueva Ecija, Pampanga, Pangasinan, Romblon, Rizal, Sorsogon, Tarlac, Union, and Zambales.

Class B.

Class B shall include the Provinces of Albay, Ambos Camarines, Antique, Bohol, Cagayan, Isabela, Lepanto-Bontoc, Leyte, Masbate, Mindoro, Misamis, Moro, Negros Occidental, Negros Oriental, Nueva Vizcaya, Paragua, Samar, Surigao, and Tayabas.

Native trees divided.

For the purposes of this Act the various native trees are divided into four groups:

First group.

The first group shall include acle, betis, baticulin, camagon, ebony, ipil, lanete, mancono, molave, narra, tindalo, and yacal.

Second group.

The second group shall include alupag, aranga, banaba, bansalaguin, banuyo, batitinan, bolongeta, calamansanay, calantas, dungon, guijo, macaasin, malacadios, mangachapuy, palo Maria, supa, teak, and tucan-calao.

Third group.

The third group shall include agoho, amuguis, anubing, apitong, batino, bitanhol, catmon, calumpit, cupang, dalinsi, dita, dungonlate, malacmalac, malapapaya, malasantol, mayapis, nato, palosapis, panao, sacat, santol, tamayuan, and tanguile.

Fourth group.

The fourth group shall include anahao, anam, apuit, bacao, balacat, balinhasay, batete, bayoc, bonga, bulao, lauan, malaanonang, malabalac, malabonga, mangasinoro, manicnic, pagatpat, and pagsainguin.

Metric system.

Sec. 12. The metric system of weights and measures, as adopted by sections thirty-five hundred and sixty-nine and thirty-five hundred and seventy of the Revised Statutes of the United States, shall be used.

Charges on cut timbers.

On each cubic meter of timber which may be cut in any public forest or forest reserve in any of the provinces of the Philippine Islands for domestic sale or consumption, or for export, there shall be paid within thirty days from date of the receipt by the owner or his agent of the order of payment of the Government charge on the same, into the Insular Treasury, as provided by existing law, the following sums:

Payment.

On all timber included in the first group cut in any province in Class A, five pesos; when cut in any province included in Class B, two pesos and fifty centavos.

By groups and provinces.

On all timber included in the second group cut in any province included in Class A, three pesos; when cut in any province included in Class B, one peso and fifty centavos.

On all timber included in the third group cut in any province included in Class A, one peso and fifty centavos; when cut in any province included in Class B, one peso.

On all timber included in the fourth group and on all non-enumerated timber cut in any province included in Class A, one peso; when cut in any province included in Class B, fifty centavos: *Provided*, That when timber cut in provinces included in Class A has been selected for felling by duly authorized forest officials, the rates on such timber shall be only such as are fixed

Proviso, timber duly selected.

in this section to timber cut in provinces included in Class B: *And provided further*, That the taxes imposed in this section on ebony and camagon shall be charged on such timbers when presented for measurement and appraisal with the sapwood still attached; and the number of cubic meters in each piece of timber so measured shall include the sapwood attached to the same, and when ebony or camagon timber from which the sapwood has been stripped is presented for measurement and apprisal, there shall be assessed and collected the following sums:

Proviso, ebony and camagon.

Charges per cubic meter, by classes.

On each cubic meter of ebony cut in any province included in Class A, thirteen pesos and fifty centavos; when cut in any province in Class B, six pesos. On each cubic meter of camagon cut in any province included in Class A, eight pesos; when cut in any province in Class B, four pesos and fifty centavos.

Volume of timber, how ascertained.

The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log. The volume of all squared timber shall be ascertained by multiplying the average cross section by the length, to which twenty-five per centum shall be added for loss in squaring. The volume of all sawn timber shall be ascertained by multiplying the average cross section by the length, to which fifteen per centum shall be added for loss in sawing.

"Rajas" and other timber.

Classed as firewood.

All timber included in the preceding section in the third and fourth groups and all nonenumerated timber cut in any province, known in the market under the name of "raja" and which shall not exceed one and one-half meters in length and fifteen centimeters in diameter, shall be classed as firewood, and the following taxes shall be collected thereon:

Charges on rajas, and firewood.

On all firewood consisting of "rajas" from sixty centimeters to one and one-half meters in length, and from seven centimeters to fifteen centimeters in diameter, one peso for each one thousand "rajas."

On all firewood consisting of pieces of timber less than sixty centimeters in length and less than seven centimeters in diameter, ten centavos per cubic meter: *Provided*, That whenever in the opinion of the Chief of the Bureau of Forestry the preservation and use of the public forests and forest reserves shall render necessary the removal of the tops of fallen timber, said tops when removed in accordance with the regulations prescribed by the Chief of the Bureau of Forestry, shall be exempted from the payment of any tax imposed in this section on timber or firewood or other forest products.

Proviso, tops of fallen timber.

Charges on gums, resins, and other products.

On all gums and resins and other forest products gathered or removed from any province there shall be paid on the actual market value thereof ten per centum. The Collector of Internal Revenue and the Chief of the Bureau of Forestry shall upon the passage of this Act, and from time to time thereafter, make a joint assessment of the actual market value of the various products on which taxes are imposed in this section; said assessments shall be made from the most reliable data available and shall be published in the Official Gazette for the information of taxpayers.

Licenses for cutting, collecting, etc.

Sec. 13. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, as herein provided, issue licenses for the cutting, collection, and removal of timber, firewood, gums, resins, and other forest products from the public forests and forest reserves. Every license so issued shall specify in detail the rights to which it entitles the holder and shall provide, whenever practicable, for exclusive territory, in similar products to each licensee. All licenses for timber shall provide for the selection of said timber before cutting: *Provided*, That when absolutely necessary the selection of timber or the granting of exclusive territory may, in the discretion of the Chief of the Bureau of Forestry, be omitted in any license terminating not later than June thirtieth, nineteen hundred and eight, after which date the selection of timber and the granting of exclusive territory whenever practicable shall be required.

Specific and exclusive.

Proviso, discretionary until June 30, 1908.

License period, maximum. Terms, conditions, and limitations.

Sec. 14. No license granted under the provisions of this Act shall continue in force for more than twenty years. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, in granting any exclusive license, prescribe such terms, conditions, and limitations not inconsistent with the provisions of this Act, including a minimum amount of timber to be cut within a specified period or periods of time, as may be deemed by the Chief of the Bureau of Forestry and Secretary of the Interior to be in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms, conditions, or limitations.

Classes of licenses to be announced.

Sec. 15. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall publicly announce what classes of licenses shall be issued.

Revocations or suspensions.

Sec. 16. The Chief of the Bureau of Forestry may, for violations of The Forest Act or of the regulations to be determined and declared by him, with the approval of the Secretary of the Interior, revoke or temporarily suspend any license.

Gratuitous licenses; timber for mining purposes.

Sec. 17. A gratuitous license to cut and use timber for mining purposes shall be granted on application to the holder, locator, owner, lessee, or operator of a mining claim. Said license shall be limited to the claim on which the timber is cut, and no timber shall be used under such license except in the development of the claim upon which it is cut. Said license shall specify the kinds and uses of the timber to which it entitles the holder, and the territorial limits within which it is valid. A miner's timber license to cut timber in the public forests or forest reserves other than that standing on the claim and desired for the development of said claim may be obtained on application by the holder, locator, owner, lessee, or operator of a mining claim. Said license shall specify the kinds and uses of the timber to which it entitles the holder and the territorial limits within which it is valid. The Government charge on timber thus used under a miner's timber license shall be one-half the rate prescribed for the province within which said timber is cut.

Charges.

Designation of stone or earth for sale, etc.

Sec. 18. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may designate for sale or disposal, and may sell or dispose of by license from the public forests

and forest reserves, stone or earth the removal of which will not be detrimental to the public forests or forest reserves or to the interests which depend upon them. The rates of charge shall be determined by him in each case with like approval.

Licenses for removal.

The Chief of the Bureau of Forestry may, with the approval of the Secretary of the Interior, grant licenses for the removal of such stone or earth, and in such licenses may prescribe such terms, conditions, and limitations, including a minimum amount of stone or earth to be removed within a specified period or periods of time as may be deemed by the Chief of the Bureau of Forestry and the Secretary of the Interior in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms.

Gratuitous licenses.

Sec. 19. The Chief of the Bureau of Forestry, under regulations to be prescribed by him, with the approval of the Secretary of the Interior, may grant gratuitous licenses for the free use of timber,

For firewood.

firewood, gums, resins, and other forest products, and of stone and earth, in reasonable quantities and within definite territorial

For domestic and public purposes.

limits, for domestic purposes, and not for sale, barter, or any other use whatsoever. He may also, within definite territorial limits, similarly prescribe the free use of forest products and of stone

Proviso, a prohibition.

and earth for public works: *Provided*, That a gratuitous license for woods of the first group shall not be issued.

Surveys.

Sec. 20. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, when the public interests so require, make requisition upon the Bureau charged with public surveys, to proceed to demarcate, establish on the ground, and erect monuments along the boundaries of any public forest or forest reserve; and it shall be the duty of the last-named Bureau

Proviso, duplication of work; cost of survey.

to comply with said requisition: *Provided*, That no duplication of work shall be caused by such demarcation; *And provided further*, That the cost of such demarcation shall be defrayed from the revenues of the public forests or forest reserves.

Uniformity and cöoperation.

Sec. 21. In order to promote uniformity and cöoperation in the forest work of the Philippine Islands and the United States, and to facilitate the comparison of results, the methods of the Philippine Bureau of Forestry in forest measurements, timber tests, silvicultural observations, and other forest work, shall, so far as practicable, and in the discretion of the Chief of the Bureau of Forestry, be based upon the corresponding methods of the Bureau of Forestry of the United States Department of Agriculture.

Officers and employees, pecuniary interests prohibited.

Sec. 22. No officer or employee of the Bureau of Forestry shall have any pecuniary interest in any forest or in any business in lumber, firewood, gums, resins, or other forest products, or stone

Proviso, exception.

or earth, in the Philippine Islands; *Provided*, That this prohibition shall not aply to guards or assistant guards, or to persons temporarily acting as guards or assistant guards.

Arrests without process.

Sec. 23. Every official, employee, or agent of the Bureau of Forestry is empowered to make arrests without process in or upon the public forests or forest reserves, or territory adjacent thereto, of any person who is committing or attempting to commit any violation of this Act or the regulations established thereunder, and it shall be the duties of the governors of provinces, the Philippine Constabulary, and of municipal presidents to assist in making

the arrests prescribed in this section when called upon to do so. Where the person or persons found violating the provisions of this Act are members of a non-Christain tribe, they shall be dismissed with a warning in the case of a first offense, but upon conviction of a second offense shall be punished as in this Act provided for violations hereof. When any arrest is made under the provisions of this section without warrant, the official, employee, or agent of the Bureau of Forestry shall obtain a warrant from competent authority at the earliest practicable moment under the circumstances. Prisoners with or without warrant shall in all cases within twenty-four hours, if reasonably practicable, be brought before a judge or justice of the peace having jurisdiction over the offense for examination and release under bail if the offense is bailable.

Members of non-Christian tribes.

Warrants to be obtained.

Prompt examination of prisoners.

Sec. 24. Every private owner of forest land shall register his title to the same with the Chief of the Bureau of Forestry. In the absence of such registration, wood cut from alleged private lands and not from public forests or forest reserves shall be considered as cut under license from public forests or forest reserves, and shall be subject to all provisions of this Act and of the regulations established thereunder in such case applicable.

Private owners of forest land, registry.

Presumption when not registered.

When in his opinion the public interests so require, the Chief of the Bureau of Forestry may make application to the examiner of the Court of Land Registration or the fiscal of the province in which the land lies, for such assistance as may be necessary in the examination of the titles thereof, with a view to their registration in the Bureau of Forestry, and upon the receipt of such application it shall be the duty of the fiscal or examiner of titles, as the case may be, to render the assistance applied for by the Bureau of Forestry.

Examination of titles.

Duty of fiscal.

Sec. 25. The cutting, clearing, or destroying of the public forests or forest reserves, or any part thereof, for the purpose of making caingins, without lawful authority, is hereby prohibited, and whoever, in violation of this provision, shall cut, clear, or destroy the same, for such purpose, or shall wilfully or negligently set fire thereto, shall, upon conviction by a court of competent jurisdiction, be punished by a fine not exceeding a sum equivalent to twice the regular Government charge upon the timber so cut, cleared, or destroyed, and, in addition, thereto, by imprisonment not exceeding thirty days, in the discretion of the court.

Caingins prohibited.

Willful or negligent firing.

Penalty.

The cutting, collecting, destroying, or removing of timber or other forest products, stone, or earth from the public forests or forest reserves for any other purpose than making a caingin, without license, permit, or other sufficient authority, is hereby prohibited, and any person who, in violation of this provision, shall so cut, collect, destroy, or remove the same, by himself, through an agent or employee, or for account of another, shall, in addition to the payment of the regular Government charge on such timber, forest products, stone, or earth, be subject to the payment of an additional sum equivalent to the regular Government charge thereon, which shall be collected as in this Act provided in the case of other Government charges.

Cutting, collecting, etc., without permit, prohibited.

Additional charges for violation.

Sec. 26. Whenever an exclusive license of any class shall have been issued to any person, company, corporation, or other associa-

Exclusive licenses.

tion, for the cutting or removing, from the public forests or forest reserves, of timber, firewood, or other forest products, stone, or earth, it shall be unlawful for any other person, company, corporation, or association, while such license is in force, to enter or operate within the territory covered by such exclusive license contrary to the terms thereof: *Provided*, That the residents within or adjacent to said territory may be permitted to cut or remove timber, firewood, other forest products, stone, or earth for domestic purposes.

Unlawful trespass.

Proviso, residents.

If, contrary to the provisions of this section, any person, company, corporation, or other association shall enter upon, and shall cut or remove, or attempt to cut or remove, timber, firewood, other forest products, stone, or earth, said property so attempted to be cut or removed shall be seized as Government property, by the local forest official or other representative of the Forestry Bureau, and the person making the seizure shall promptly notify the holder of the exclusive license affected thereby, and the said property so seized shall be surrendered to him upon the payment of the proper Government charges thereon. Should, however, acceptance of said property and the payment of the charges thereon be refused, it shall be disposed of in the manner provided in section thirty-two of this Act for the disposition of forest products, stone, or earth on which the Government charges have not been paid, and the proceeds turned over to the proper official to whom the Government charges thereon should have been paid.

Wrongful entry upon territory covered by exclusive license.

Seizure.

Notice to and option of licensee.

Sale at public auction.

Sec. 27. No fire for clearing shall be started on private forests, woodlands, or fields adjoining public forests or forest reserves, without written permission first obtained from the local forest officer, or, in the absence of such officer, from the president of the municipality or settlement in which such forests, woodlands, or fields are situated. A copy of said written permission, when given by a president shall be furnished by him to the local forest officer prior to the burning contemplated, when practicable; and said fires shall, when practicable, be lighted in the presence of such forest officer, president, or other duly authorized municipal official. Any person violating any of the provisions of this section shall, upon conviction, be subject to a fine not exceeding one hundred pesos or by imprisonment not exceeding thirty days, or both.

Fires for clearing private forests, etc., permission.

Violations.

Sec. 28. Whoever, without authority of law, shall cut, make, manufacture, or have in his possession any Government marking hatchet or other marking implement, or any mark, poster, or other device officially used by officers of the Bureau of Forestry for the marking or identification of timber or other forest products, or any duplicate, counterfeit, or imitation thereof, or who shall fraudulently make or apply a Government mark to timber or any other forest product by means of any authentic or counterfeit Government marking hatchet, implement, mark, poster, or other device, or who shall fraudulently alter, deface, or remove Government marks from logs, stumps, firewood, or other forest products, shall, upon conviction, be punished by a fine not exceeding five hundred pesos or by imprisonment not exceeding one year, or both.

Government tools and other property, wrongful possession.

Neglect, delay, or falsification of reports, etc.

Sec. 29. Neglect, unreasonable delay, or falsification in the making of reports, presentation of papers, or in other acts required by the provisions of this Act or the Forestry Regulations, or refusal to make reports, present papers, or to perform other acts required by this Act or the Forestry Regulations, shall, upon conviction, unless otherwise specially provided by law, be punished by a fine not to exceed two hundred pesos.

Unlawful transportation, discharge of cargo, etc.

Sec. 30. Whoever, in violation of the provisions of this Act or of the Forestry Regulations or orders made in accordance herewith, transports, removes, or discharges from any ship, boat, raft, car, cart, or other means of transportation, forest products, or stone or earth, or fails to pay the amounts due the Government on forest products, stone, or earth for a period of more than thirty days from the date of the receipt by him or his agent of the order directing the payment of the same, shall, in addition to the regular Government charges thereon, be subject to the payment of the sum of fifty per centum thereof, to be collected as in this Act provided for the collection of other Government charges.

Absence of local forest officer; president's duty.

Sec. 31. In the absence of a local forest officer the president of the municipality or settlement within which timber or other forest products are cut or collected shall act in his stead. Any president who, in the absence of a local forest officer, shall neglect, refuse, or unreasonably delay to prepare and sign a statement of timber or other forest products, stone, or earth cut or collected within the territory under his authority, or to inspect firewood or other forest products cut or collected for local use in said territory, or to perform other acts required by the provisions of this Act, shall, upon conviction, be subject to a fine not to exceed fifty pesos; and the Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall prepare and furnish to local presidents the necessary instructions defining their duties under this Act.

Neglect, refusal, or delay by president.

Instructions to presidents.

Forest products seized; charges unpaid.

Sec. 32. Forest products, stone, or earth on which the Government charges have not been paid as prescribed by law, and which have been seized in accordance with the provisions of this Act, shall be offered for sale at public auction, unless redeemed as hereinafter provided.

Sale.

Delinquent taxes and charges on forest products.

Fifteen days after any tax on any forest products, stone, or earth shall have become due and remains unpaid the local forest officer shall prepare and sign a certified copy of the records of his office showing the person or persons delinquent in payment of such taxes, the amounts thereof, and of the costs and additional charges respectively due from him or them. The forest officer thereupon shall proceed at once to seize the forest products, stone, or earth of the delinquent, and, unless redeemed as hereinafter provided, to sell at public auction, at some public place near where such property is seized, as the local forest officer shall determine, so much of the same as shall satisfy the tax, additional charges, and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted at the main entrance of the municipal building in the municipality in which such seizure is made and at a public and conspicuous place in the barrio in which the property was seized, stating the time, place,

Seizure redemption, or sale.

For taxes, charges, and costs.

Authority for procedure.

and cause of sale. The certified copy of the local forest officer's record of delinquents, attested by the secretary of the municipality within which the forest products were seized, approved by the forest inspector or forester in charge of the forest or inspection district, shall be his warrant for thus proceeding, and the

Purchaser's title.

purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the local forest officer shall make return of his proceedings in writing to the Bureau of Forestry, and shall reserve a copy thereof to be kept by him as an official record, which shall also be attested by the

Proviso, bids.

municipal secretary: *Provided*, That if there is no bidder, or if the highest bid is only equal to or less than the sum total of the taxes, costs, and additional charges, the Chief of the Bureau of Forestry shall have discretionary power to declare the same sold to the Government in satisfaction of such taxes, costs, and charges, and to invoice said products to the provincial supervisor or to any other public official charged with similar duties, for use

Proceeds of sale.

in public works. The proceeds of such auction sales shall be paid to the official to whom the Government charges on the same should have been paid, who shall pay any surplus resulting from the sale over and above the tax, costs, and additional charges to the person on account of whose delinquency the sale has been made.

Redemption, costs, etc.

Sec. 33. The owner of forest products seized may redeem the same from the local forest officer or collecting officer at any time after seizure and before sale by tendering to him the amount of the taxes, costs, and additional charges incurred up to the time of tender. The costs to be charged in making such seizure and sale shall embrace only the actual expense of seizue and preservation of the property pending the sale, and no charge shall be imposed for the services of the local forest officer or collecting officer or his deputy.

Additional charges, appeal by persons aggrieved.

Sec. 34. Whenever authority is given in this Act for the imposition of any additional charge administratively, any person aggrieved by the imposition of such additional charge may, within twenty days after payment thereof, appeal therefrom to the Court of First Instance of the province in which the additional charge was imposed, and that court shall have jurisdiction, after due hearing, to confirm the imposition of the additional charge or to

Judgments, certification.

reverse or modify the same. Judgments of the Courts of First Instance in such cases shall be certified to the Bureau of Forestry, and when in favor of the taxpayer such judgment shall also be certified to the Auditor for the Philippine Islands, who shall issue a certificate for payment by settlement warrant upon the Insular Treasurer, under the provisions of Act Numbered three hundred and fifty-seven, and shall charge the amount of the warrant against the forestry collections of the province and municipality from which the timber was cut or the forest product obtained:

Proviso, appeal by Bureau.

Provided, That if an appeal from the judgment of the Court of First Instance is taken by the Bureau of Forestry, the Chief of said Bureau shall immediately notify the Auditor, who shall withhold settlement of the account pending final decision of the court.

Taxes, costs, and charges, after May 20, 1904.

Sec. 35. From and after May twentieth, nineteen hundred and four, there shall be paid on all timber, firewood, gums, resins, and other forest products, and stone and earth cut, gathered, or removed from all public forests or forest reserves on and after May twentieth, nineteen hundred and four, the respective taxes, costs, and additional charges imposed on such products in this Act. The payment of all such taxes shall be made within thirty days after the date of the receipt by the owner or his agent of the order directing payment, and the payment of the proceeds of auction sales and of all charges and costs imposed by officers or employees of the Bureau of Forestry, shall be made immediately upon the receipt of the order directing payment, to collectors of internal revenue or to provincial or municipal treasurers, as provided by law. The charges prescribed by General Orders, Numbered Ninety-two, series of nineteen hundred, office of the United States Military Governor of the Philippine Islands, shall be collected on all forest products cut, gathered, or removed prior to May twentieth, nineteen hundred and four.

Charges prescribed by G. O., 92.

Philippine currency.

Sec. 36. All sums of money mentioned in this Act shall be deemed to be in Philippine currency.

Repeal.

Sec. 37. General Orders, Numbered Ninety-two, series of nineteen hundred, issued by the Military Governor of the Philippine Islands; Act Numbered Two hundred and seventy-four, entitled "An Act prohibiting the unauthorized destruction of timber on public lands;" section twenty of Act Numbered Forty-nine, entitled "An Act providing for the establishment of a civil government for the Province of Benguet;" section eleven of Act Numbered One hundred and nineteen, entitled "An Act extending the provisions of the Provincial Government Act and the Municipal Code to the Province of Occidental Negros;" and section eleven of Act Numbered One hundred and twenty, entitled "An Act extending the provisions of the Provincial Government Act and the Municipal Code to the Province of Oriental Negros," are hereby repealed.

Act in effect, when, exceptions.

Sec. 38. This Act shall take effect on its passage, except sections eleven, twelve, and thirty-seven, which shall take effect May twentieth, nineteen hundred and four.

PORTO RICO.

Administration.

NOTE 1.—By section 134 of the Political Code, all matters relating to lands and forests are in the charge of a chief of lands and forests, who is the head of a division in the Department of the Interior.

Public lands granted to Porto Rico.

NOTE 2.—By Chap. 1383, U. S. Statutes at Large, Vol. 32 all the public lands and buildings in Porto Rico, except "harbor areas and navigable streams and bodies of water and the submerged lands underlying the same" and except public lands and buildings reserved by the President for the United States before July 1, 1903, are "granted to the government of Porto Rico to be held or disposed of for the benefit of the people of said island."

Luquillo Forest Reserve.

NOTE 3.—Before that date, however, on January 17, 1903, the President reserved, by proclamation, the Luquillo Forest Reserve, situated in the eastern part of the island and containing about 20,000 acres of public timberland.

SOUTH CAROLINA.

Proposed Appalachian Forest Reserve.

NOTE.—In Acts of 1901, page 609, South Carolina approves of the establishment of a National forest reserve, by purchase, gift or condemnation proceedings, in the high mountain regions of South Carolina and adjacent states. This law further confers on Congress the power to legislate and enforce the laws for such a forest reserve within the limits of South Carolina. See full text of similar resolution by North Carolina, page 66 of this bulletin.

TENNESSEE.

Proposed Appalachian Forest Reserve.

NOTE.—In Laws of 1901, Chap. 47, the State of Tennessee passed a law practically the same as that of South Carolina above, consenting to the establishment of the proposed Appalachian forest reserve, etc. See full text of similar resolution of North Carolina, page 66 of this bulletin.

UTAH.

Forest reservations.

REVISED STATUTES.—*Sec. 2360.* The Board of Land Commissioners shall set apart and reserve from sale such tracts of timber lands and the timber thereon, as may, in the opinion of the Board, be required to preserve the forests of the state, prevent a diminution of the flow of rivers, and aid in the irrigation of the arid lands.

Sale of state timber.

Diameter limit prescribed.

Rules for cutting and disposal of slash.

Domestic use free.

Dead timber.

REVISED STATUTES.—*Sec. 2340.* No contract by the Board [of land commissioners] for the sale of timber on any lands of the state, shall permit or entitle the purchaser to cut, use, injure or destroy any growing timber or trees less than eight inches in diameter at the butt. The board shall make such rules and regulations for the disposal of the tops and limbs of trees cut for logging and other purposes, as shall secure the young growing timber on the state lands from injury and destruction by fire. Nothing in this chapter shall be construed to prevent settlers from removing cedar, quaking aspen, maple, oak, mahogany or pinyon pine from any unsold and unleased lands of the state for their own domestic use; Provided, That nothing in this chapter shall prevent settlers from removing any dead timber from any unsold or unclaimed lands of the state for their own domestic use.

WISCONSIN.

Department of Forestry.

State Forest Commissioners.

Compensation.

Quorum.

LAWS OF 1903, CHAP. 450.—*Sec. 1.* There is hereby established a Department of Forestry to be organized and to perform such duties as herein provided. The governor shall appoint two persons, who, with the attorney general, secretary of state and state treasurer, acting *ex-officio*, shall constitute the Board of State Forest Commissioners, and as such shall perform such duties and exercise such authority as may be conferred upon them by law. They shall receive no compensation except their actual disbursements to be audited by the secretary of state and paid out of the state treasury. Any three members of said Board shall constitute a quorum for the transaction of any business.

Superintendent of State forests.

Sec. 2. The Board shall appoint a superintendent of state forests who shall receive a salary of two thousand five hundred dollars annually and his actual expenses to be audited by the secretary of state, to be paid from the state treasury. It shall be the duty of the superintendent of state forests to act as secretary of said Board of Forest Commissioners, to keep in his office all necessary records, books, maps, papers, and documents of the Board, and he shall keep the minutes of all meetings of the Board, and shall prepare for the printing and publication of bulletins, reports, circulars, rules, regulations, and by-laws ordered printed and published by the Board. He shall procure and cause to be made accurate maps of the forest reserve, and of any and all lands belonging to the state, or which may hereafter be acquired, which maps shall be open to the inspection of any person desiring to inspect the same, but under such rules as the Board may prescribe.

To act as secretary of forest commission.

Maps of forest reserves, etc.

NOTE.—Sections 3, 4, and 5 are amendatory to the fire laws. See page 197 of this bulletin.

Sale of lands to cease.

Sec. 6. The sale of all lands belonging to the state except lands that are in fact swamp lands and lands suitable for agriculture, woodlots convenient to farm homes, and isolated tracts not exceeding eighty acres each, shall cease after this act shall have gone into effect, and no such lands shall thereafter be sold, except according to the provisions of this act, Provided, however, That this act shall not be so construed as to affect in any manner the rights and interests of any person or persons to or in any of the lands belonging to the state which such person may have acquired previous to the day on which this act shall go into effect.

Exceptions.

Private rights.

Forest reserve.

Sec. 7. All public lands remaining unsold, and all lands so withdrawn from sale, and such other lands as the state may hereafter acquire for that purpose, shall constitute the state forest reserve. As soon as practicable after this act shall go into effect, the superintendent of state forests shall make a detailed inquiry into the character and condition of each parcel of land contained in said forest reserve, and acquire all information concerning the same, which may in his judgment be necessary for the purpose of proper forestry management. For this purpose he may act as trespass agent of the state, and may use the records, maps, plats, and other documents of the land office. All information so obtained shall be properly recorded and preserved in the office of said superintendent. If in the course of such investigation the said superintendent shall come to the conclusion that it shall be for the best interests of the state, that any particular parcel or parcels of the public lands be not reserved as a part of the state forest, he shall notify the Board of Public Land Commissioners who may thereupon in their discretion proceed to sell such parcel or parcels of land, or any portion of the timber standing or being thereon, in such manner as the state forest commissioners shall prescribe.

State forester to examine forest reserves.

To act as trespass agent.

Exclusion and sale of lands unsuitable for forestry.

NOTE.—For Sec. 8 of this act see page 140 of this bulletin.

To accept grants for forest purposes.

Sec. 9. The said Board of State Forest Commissioners are hereby authorized to accept on behalf of the State of Wisconsin any grant or grants of land within this state for forest purposes.

No such grant shall be accepted unless the attorney general shall first certify that he has investigated the title to such lands, and that the proposed grantor has title to such lands free from incumbrance.

Dead and down timber.

Sec. 10. The superintendent of state forests shall as soon as practicable, with a view to the best possible financial return to the state, remove from the lands under his control all dead and down timber, as he may deem expedient, and sell the same to the best advantage in such manner as the Board of State Forest Commissioners may prescribe. All contracts for the cutting, logging or sale of any timber in the state forest shall be signed in behalf of the state by the superintendent of forests, or in his absence by the assistant superintendent, provided, that no such contract shall be of effect until it has been approved by the state forest commissioners. All funds received from the sale of any timber, wood or other products of the state forests which shall be derived from any land known as school, university, agricultural, normal school, drainage or indemnity land shall be paid into the respective funds into which the proceeds of the sale of such lands may now be payable. The revenues from all other lands in the state forest reserve shall be paid into the general fund of the state.

Contracts for timber sale.

Disposal of receipts from timber sale.

Supplies.

Sec. 11. The superintendent of state forests may from time to time purchase, in such manner as shall be prescribed by the State Board of Forest Commissioners all supplies necessary for the proper conduct of the work in the state forests. He shall be entitled to such stationery, postage and other supplies, as may be necessary to properly transact the business of his office, to be furnished to him by the superintendent of public property.

Experiment stations.

Sec. 12. The superintendent of state forests shall, as soon as practicable after this law shall have gone into effect, with the approval of the state forest commissioners, establish one or more forest experiment stations, on lands belonging to the state forest reserve, for the purpose of making such researches. The superintendent may co-operate whenever expedient with the state university, the state geological and natural history survey, the various scientific bureaus of the government of the United States, and other institutions of like character. The results of such investigations shall from time to time be printed and published in the same manner as other public documents are published, and distributed in such manner as the Board of State Forest Commissioners shall determine. They shall as far as possible be written in non-technical language, so as to be easily understood by the public.

Cooperation

Publications.

Appropriations.

Sec. 18. There is hereby appropriated out of any money not otherwise appropriated, in addition to the salary herein provided, a sum of money sufficient to carry out the provisions of this act, not exceeding three thousand dollars.

NOTE.—Sections 13 to 17 of this chapter are amendatory to the Statutes relating to the sale of public lands, issue of patents, etc., and not of a forestal nature; they have consequently been omitted.

CHAPTER III A.

STATUTES RELATING TO TRESPASS ON PRIVATE FOREST LANDS.

ALABAMA.

CODE OF ALABAMA.—*Sec. 4137.* Any person who cuts down, deadens, girdles, or destroys, or takes away, if already cut down or fallen, any cypress, pecan, oak, pine, cedar, poplar, walnut, hickory, or wild cherry tree, or sapling of that kind, on land not his own, wilfully and knowingly, without the consent of the owner of the land, must pay to the owner ten dollars for every such tree or sapling, and for every other tree or sapling, not heretofore described, so cut down, deadened, girdled, destroyed, or taken away, by any person, he must pay to such owner the sum of five dollars. Damages for destruction of trees.

Sec. 4138. When one person owns the land and another person owns the trees standing thereon, the owner of the trees is the owner of the land within the meaning of the preceding section. Owner defined. Owner of trees.

Sec. 4140. Any action for the specific penalties given by this chapter may be brought in any court of competent jurisdiction, and must be brought within one year from the time the injury was committed, and not after; and neither suit brought nor penalty incurred, under any of the provisions of this chapter, is a bar to any action for further damages, or to any criminal proceeding, for any offense included in the acts for which such penalties are hereby imposed, or connected therewith. Court practice. Time limit.

NOTE—For construction of this statute, see Washington *v.* Timberlake, 74 Ala., 263.

Sec. 5607. Any person, who knowingly enters upon the lands of another and cuts down any wood or timber growing thereon, with intent to remove and appropriate the same to his own use, shall, on conviction, be fined not more than two hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months; and the fine in such case goes to the injured party. Criminal trespass.

Sec. 5612. Any person, who wilfully and maliciously commits any trespass on the lands of another by cutting down or destroying any wood or timber growing thereon, * * * must on conviction be fined not more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months; and the fine goes to the injured party. Same.

Sec. 5616. Any person, who knowingly and wilfully, and without the consent of the owner, enters upon the lands of any person or corporation, or upon the lands belonging to the state, and cuts, Trespass on turpentine orchard.

girdles or boxes any pine tree for the purpose of obtaining crude turpentine, must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months.

ALASKA.

Trespass on timber.

CIVIL CODE.—*Sec. 322.* Whenever any person shall cut down, girdle or otherwise injure, or carry off any tree, timber or shrub on the land of another person, without lawful authority, in an action by such person * * * against the person committing such trespasses, or any of them, if judgment be given for the plaintiff, it shall be given for treble the amount of damages claimed or assessed therefor, as the case may be.

Treble damages.

Involuntary trespass.

Sec. 323. If upon the trial of such action it shall appear that the trespass was casual or involuntary or that the defendant had probable cause to believe that the land on which such trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that such tree or timber was taken from uninclosed woodland for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages.

Single damages.

Criminal punishment for trespass on timber.

PENAL CODE.—*Sec. 66.* If any person shall wilfully cut down, destroy or injure any standing or growing tree upon the lands of another, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall wilfully dig, take, quarry or remove from any such lands any mineral, earth or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less fifty nor more than one thousand dollars.

ARIZONA.

Criminal trespass.

PENAL CODE.—*Sec. 541.* Every person who wilfully commits any trespass by either,

1. Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the lands of another; or,

2. Carrying away any kind of wood or timber lying on such lands; * * * is guilty of a misdemeanor.

ARKANSAS.

Criminal trespass.

DIGEST OF STATUTES.—*Sec. 1773.* Every person who shall wilfully commit any trespass by cutting down or destroying any wood or timber, standing or growing upon the lands of any other person, or carry away any kind of wood or timber that may have been cut down and that may be lying on such land, shall, upon conviction be adjudged guilty of a misdemeanor and be fined in any sum not less than fifty dollars.

Criminal trespass on state lands.

Sec. 1774. Any person who shall, without lawful authority, wilfully and knowingly enter upon any lands belonging to this state, or any lands belonging to any corporation or person, and shall cut down or destroy, or cause to be cut down or destroyed,

any tree or trees standing or growing thereon, of the value of more than ten dollars, or any person, who shall induce, assist, aid or abet any other person so to do, shall be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment, at hard labor, in the state penitentiary not more than two years. Penalty.

Sec. 1775. Any person who shall take and carry away any trees or parts thereof, or any logs, timber, lumber, staves, or shingles cut from such lands, with intent to convert the same to his own use, or the use of his employer or principal, of the value of more than ten dollars, shall be deemed guilty of felony and shall be punished as provided in section 1774. Stealing logs, etc. Penalty.

Sec. 1776. If the owner of any sawmill, stavemill, or shingle mill or if any person as agent of any person owning or operating any such mill, or if any person as officer or agent of any corporation owning or operating any such mill, or if any other person shall by himself his agent or servant, knowingly receive or purchase any trees, logs or timber, knowing the same to have been cut contrary to the provisions of this act, for the purpose of sawing or manufacturing the same into lumber, staves, or shingles, or for the purpose of selling the same, of the value of more than ten dollars, he shall be deemed guilty of a felony, and shall, upon conviction be punished as provided in section 1774. Receiving stolen logs, etc. Penalty.

Sec. 1777. If the trees so cut down or destroyed, or if the parts of trees, timber, lumber, staves or shingles made therefrom and so taken away or so sawed at any sawmill, shall not exceed in value the sum of ten dollars, the person so offending shall be deemed guilty of petit larceny and shall be punished accordingly. Value under $10 dollars. Petit larceny.

Sec. 1778. In any indictment under this act, the person accused may be charged with commencing at some particular time to commit any of the acts hereby made punishable, and of continuing to commit the same at divers times and on divers days between that day and some other day to be therein stated. It shall not be necessary in order to convict, to prove title to the lands upon or from which it is alleged the trees, timber, lumber, staves, or shingles were cut or carried away as alleged in the indictment, but it shall be sufficient to prove title, legal, equitable or colorable, in the state of Arkansas, or any corporation or any person or persons other than the accused, and it shall not be necessary to allege in the indictment, or prove upon the trial the kind of trees, timber, lumber, staves, or shingles, cut, destroyed or carried away; but in case the accused be found guilty, the value of the timber so cut down, destroyed, sawed or carried away shall be stated in the finding or verdict. Practice.

Sec. 3895. Any person who shall knowingly cut down, destroy or carry away any timber, lumber, staves or shingles cut or made contrary to sections 1774, 1775, 1776, 1777, or 1778, or any person who shall aid and abet, or assist any other person in so doing, and any person who shall purchase or receive any trees, timber, lumber, staves, or shingles, knowing the same to have been cut contrary to the provisions of said sections, shall be jointly and severally liable to the owner in double the value thereof, to be recovered by action at law, in the name of the state, in case the same shall be cut from the lands of the state, or in the name of Double damages

the person or corporation owning the land, in case the same shall be so cut from other lands; and a violation of any of said provisions shall be ground for an attachment against the property of the person who shall be guilty of violating the same, to be issued in the same manner as attachments in other civil actions.

Treble damages.

Sec. 7359. If any person shall cut down, injure, destroy or carry away any tree placed or growing for use or shade, or any timber, rails or wood, standing, being or growing on the land of another person * * * every person so trespassing shall pay the party injured treble the value of the thing so damaged, broken, destroyed or carried away, with costs.

Innocent trespass.

Sec. 7361. If on the trial of any action brought under the provisions of this act, it shall appear that the defendant had probable cause to believe that the land on which the trespass is alleged to have been committed, or that the thing so taken, carried away, injured or destroyed was his own, the plaintiff in the action shall recover single damages only, with costs.

Single damages.

NOTE.—The act referred to in above section includes section 7359.

Surveys to be made.

DIGEST OF STATUTES.—*Sec. 1847.* Before any person or persons, who shall desire to cut and remove, for purpose of rafting, making railroad ties, piling, telegraph poles, staves or sawing into lumber, any timber from any land in this state, he or they shall, unless the same has been surveyed and the boundaries thereof ascertained and known, before cutting and removing the same, procure the county surveyor of the county in which such land may be situated, and cause such land to be surveyed by such surveyor, and the metes and bounds of such land shall be marked and plainly established. And this act shall apply as well to persons purchasing timber rights, from lands of this state, as to landowners.

Survey of timberland.

Surveys of State timberland.

Penalty for failure to survey.

Sec. 1848. Any person who shall be found guilty of a violation of section 1847, shall be deemed to have committed a misdemeanor and shall be fined for each offense, in any sum not less than twenty-five nor more than three hundred dollars, and may be imprisoned in the county jail not more than six months.

CALIFORNIA.

Timber trespass a misdemeanor.

PENAL CODE.—*Sec. 602.* Every person who wilfully commits any trespass by either:

1. Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the lands of another:

2. Carrying away any wood or timber lying on such lands: * * * is guilty of a misdemeanor.

Trespass on timber.

CIVIL CODE.—*Sec. 1716.* Any person who cuts down or carries off any wood or underwood, tree, or timber, or girdles or otherwise injures any tree or timber on the lands of another person * * * without lawful authority, is liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor in a civil action, in any court having jurisdiction.

Treble damages.

NOTE.—Treble damages not recoverable, where there is an honest mistake as to the boundary line.

Barnes *v.* Jones, 51 Cal., 303.

Sec. 1717. Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodland, for the repair of a public highway or bridge upon the land, or adjoining it.

Timber for roads.
Single damages.

NOTE.—This will probably not be construed as excluding damages to the land in addition to "the just value of the timber," as that would be unconstitutional, being a taking of property without compensation. On damages to the land, in addition to the value of the timber cut, see Chipman *v.* Hibbard, 6 Cal. 126. Compare also Sec. 3346, below.

Sec. 3346. For wrongful injury to timber trees or underwood upon the land of another, or removal thereof the measure of damages is three times such a sum as would compensate for the actual detriment, except where the trespass was casual and involuntary, or commtted under the belief that the land belonged to the trespasser, or where the wood was taken by the authority of highway officers for the purpose of a highway; in which cases the damages are a sum equal to the actual detriment.

Damages for trespass on timber.
Treble damages.
Single damages.

NOTE.—For construction see, Barnes *v.* Jones, 51 Cal. 303.

COLORADO.

MILLS' ANNOTATED STATUTES.—*Sec. 3167.* Whoever shall cut down and remove, or shall cut down with a view to remove, or with a view to permitting or procuring another to remove, or finding cut or blown down, shall remove, any tree or timber standing, growing or being upon any mining claim or mill site of another, without the consent of the owner or holder of such mining claim or mill site, shall be deemed guilty of a misdemeanor.

Trespass on mining claim.

Sec. 3170. Whoever shall be convicted of violation of any of the provisions of this act, shall be punished by a fine of not less than ten dollars, or by imprisonment in the county jail for a period of not less than ten days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

CONNECTICUT.

REVISED STATUTES.—*Sec. 1237.* Every person who shall wilfully and without color of right, cut, destroy, or carry away, any tree or timber of the dimension of four inches diameter, or more, or any hoop poles standing on the lands of another, shall be fined not more than twenty dollars, or imprisoned not more than ninety days, or both.

Criminal trespass.

NOTE.—For trespass on tracts of land leased to be kept as state game preserves see note on page 36 of this Bulletin, giving gist of Revised Statutes, 3197 to 3204, inclusive.

Trespass on woodland leased for State game preserves.

DELAWARE.

REVISED CODE, CHAP. CXXVIII.—*Sec. 17.* If any person shall wilfully and unlawfully * * * fell, or cut down, any tree, or sapling of another; or shall wilfully and unlawfully bark, or skin any tree or sapling of another, standing or growing in the soil, and attached to the freehold, without the consent of the owner of such tree, or sapling, had and obtained; such person shall be deemed guilty of a misdemeanor, and shall be fined not

Criminal trespass on timber.
Penalty.

exceeding two hundred dollars, and may also, in the discretion of the court, be imprisoned for a term not exceeding two months.

FLORIDA.

Criminal trespass on timber.

REVISED STATUTES.—*Sec. 2516.* Whoever wilfully commits a trespass by cutting, scraping, injuring or destroying timber or wood standing or growing on the land of another, or by carrying away any kind of timber or wood, cut down or lying on such land, or by digging or carrying away any stone, ore, gravel, clay, sand, turf, or mould from such land, or by carrying away anything which is parcel of the realty, shall be punished as if he had stolen personal property of the same value.

Accessories.

Sec. 2518. Any person may become an accessory to such trespass in the two preceding sections before and after the fact, and such accessory and all persons who shall knowingly receive the property so taken, shall be punished as provided in the preceding sections respectively.

NOTE 1.—The intervening section, 2517, here omitted, provides against similar trespasses in farms, orchards and gardens.

Sunday arrests.

NOTE 2.—Sec. 2536 merely provides for procedure in case of arrest of trespasser on Sunday.

Injunctions.

Sec. 1469. Courts of Chancery shall entertain suits by any person claiming to own any timbered lands within this State, to enjoin trespasses on such lands by the cutting of trees thereon, or the removal of logs therefrom, or by boxing or scraping the said trees for the purpose of making turpentine, or by the removal of turpentine therefrom; and in such suits the said courts shall cause an account to be taken of the damage to the complainant from any of said trespasses, before or after the institution of the suit, and decree the payment of the amounts shown to be due, upon such accounting by the defendant or defendants, and may appoint receivers of logs or timber claimed to have been cut from said lands.

Penalty for cutting or boxing timber on land of another.

LAWS OF 1903, CHAP. 5259.—*Sec. 1.* Any person who shall cut, cause or procure to be cut, or cut, cause or procure to be boxed, any kind of timber, standing, growing or being on the land of another, without the consent of the owner; or shall remove, cause or procure to be removed, from any land of another without his consent any timber or wood of any kind, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months.

GEORGIA.

Measure of damages.

CODE.—*Sec. 3918.* Where plaintiff recovers for timber cut and carried away, the measure of damage is:

Wilful trespasser.

1. Where defendant is a wilful trespasser, the full value of the property at the time and place of demand or suit brought, without deduction for his labor or expense.

Innocent trespasser.

2. Where a defendant is an unintentional or innocent trespasser, or innocent vendee from such trespasser, the value at the

time of conversion, less the value he or his vendor added to the property.

Purchaser without notice.

3. Where defendant is a purchaser without notice from a wilful trespasser, the value at the time of such purchase.

NOTE.—This rule conforms to that laid down in the leading case on the common law of the subject, Woodenware Co. *v.* U. S., 106 U. S., 432. See also Parker *v.* R'y Co., 31 Ga., 396, and cases there cited.

Injunction.

Sec. 4927. In all applications to enjoin the cutting of timber for sawmill purposes, and railroad ties, and bridge timber for railroad purposes, or to enjoin the cutting of timber or boxing or otherwise working the same for turpentine purposes, it shall not be necessary to aver or prove insolvency, or that the damages will be irreparable; Provided, the petitioner has perfect title to the land, upon which the timber is situated, or has perfect title, to the timber upon any lands, and shall attach an abstract of his title, stating name of grantor and grantee, date, consideration and description of property, names of witnesses, when and where recorded, to his petition, and produce the original titles before the judge: And provided, that the judge granting said temporary restraining order shall require the petitioner to give such bond as in his discretion he may deem proper, to be approved by the clerk of the superior court, to answer the damages, if any, which may be sustained by the defendant by reason of the granting of said injunction, and if, on the final hearing of the cause, damages against the petitioner are proven, judgment shall be entered against the sureties on said bond as in appeal cases.

Practice.

Sec. 4928. The respondent or defendant shall have the same privileges as are given petitioner in the preceding section.

Title deed to be on record before timber is cut.

PENAL CODE. SUPPLEMENT OF 1901.—*Sec. 6670.* It shall be unlawful for any person or persons, or any company, firm or corporation, to enter on or cut or remove from any uninclosed lands in this state, any timber or tan bark on such lands, unless such person or persons, firm, company or corporation shall before so doing have on record in the county where such land lies a deed of conveyance to the same, prima facie showing title to such lands, or shall have a written contract from some person or persons, company or corporation, who have on record in the county where such land lies deeds of conveyance, prima facie showing title in the person or persons, company or corporation entering into said contract. Any person or persons, company or corporation violating the provisions of this act shall be punished as provided in section 1039 of the Criminal Code of this state.

Penalty.

HAWAII.

NOTE.—For Hawaiian law against trespass on timber lands see Sec. 1611, of Compiled Laws given in full under Hawaii, Chap. II of this Bulletin, page 36.

IDAHO.

Destruction of timber.

REVISED STATUTES.—*Sec. 4531.* Any person who cuts down or carries off any wood or underwood, trees or timber; or girdles or

otherwise injures any tree or timber on land of another person * * * without lawful authority, is liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor in a civil action, in any court having jurisdiction.

Treble damages.

Timber for roads.

Sec. 4532.—Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge upon the land adjoining it.

Criminal trespass on timber.

Sec. 7158. Every person who wilfully commits any trespass by either:

1. Cutting down, destroying or injuring any kind of wood or timber, standing or growing upon the lands of another, or

2. Carrying away any kind of wood or timber lying on such lands, * * * is guilty of a misdemeanor.

ILLINOIS.

Criminal trespass on timber.

REVISED STATUTES, CHAP. XXXVIII.—*Sec. 269.* Whoever shall knowingly and wilfully, without color of title made in good faith, cut, box, fell, bore or destroy any tree or sapling, standing or growing upon the land of another, without the consent of the owner of the land, or if the land belongs to the state, is school land, canal land, or belongs to any association or corporation, without the consent of the proper authorities, or persons having legal charge thereof, shall be fined not less than three nor more than two hundred dollars, or confined in the county jail not exceeding three months.

Penalty.

Civil action for timber trespass.

REVISED STATUTES, CHAP. CXXXVI.—*Sec. 5.* Any person who shall cut, fell, box, bore or destroy, or carry away any black walnut, black, white, yellow or red oak, whitewood, poplar, wild cherry, blue ash, yellow or black locust, chestnut, coffee or sugar tree, or sapling, standing or growing upon land belonging to any other person or persons, without having first obtained permission so to do from the owner or owners of such lands, shall forfeit and pay for such tree or sapling, so cut, felled, boxed, bored or destroyed the sum of $8; and every person who shall cut, fell, box, bore or destroy any tree or sapling not hereinabove named or enumerated, standing or growing upon land belonging to any other person or persons, without permission as aforesaid, shall forfeit and pay for every such tree or sapling so cut, felled, boxed, bored or destroyed, the sum of $3.

Amount recoverable.

Practice.

NOTE.—Sections 6 and 7 provide for the method of legal procedure only and are therefore here omitted.

INDIANA.

Criminal trespass on timber.

REVISED STATUTES.—*Sec. 2065.* Whoever cuts down or destroys, or by girdling or any other means injures any standing or growing vine, bush or shrub, sapling or tree on the land of another person, or on land belonging to the state, or to any county or township therein, or on any land reserved or granted for the use of schools or seminaries, without a license to do so from competent authority; or who, without such license, shall cut down or remove

from any such lands, or from lands belonging to the United States, any tree, stone, timber, or other valuable article, is guilty of a trespass, and upon conviction thereof, shall be fined in five times the value of such property, to which may be added imprisonment not exceeding twelve months in the county jail. The provisions of this act shall not apply to actual settlers upon public lands, who cut timber and use stone for their own farming purposes upon the lands on which they reside.

Quintuple damages.

IOWA.

CODE.—*Sec. 4306.* For wilfully injuring any timber, tree or shrub, on the land of another, or in the street or highway in front of another's cultivated ground, yard or town lot, or on the public grounds of any city or town, or any land held by the State for any purpose whatever, the perpetrator shall pay treble damages at the suit of any person entitled to protect or enjoy the property.

Trespass on timber.

Treble damages.

NOTE.—Applicable only where the injury is wanton and without reasonable excuse.
Werner *v.* Flies, 91 Ia., 146.

Sec. 4829. If any person wilfully commit any trespass by cutting down or destroying any timber or wood standing or growing upon the land of another, or by carrying away timber or wood being on such land: * * * he shall be fined not exceeding five hundred dollars or imprisoned in the county jail not more than one year, or both at the discretion of the court. If in any case the value of the property so cut down, carried away, or otherwise taken, shall not exceed the sum of fifty dollars, then the person so offending shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days.

Criminal trespass on timber.

Penalty.

KANSAS.

GENERAL STATUTES.—*Sec. 7862.* If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber rails or wood standing, being or growing on the land of another person * * * the party so offending shall pay to the party injured treble the value of the thing so injured, broken, destroyed or carried away, with costs, and shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars.

Civil and criminal liability for timber trespass.

Treble damages.

Fine.

NOTE.—Treble damages are recoverable under this statute, although the trespass was not wilful or malicious.
Wright *v.* Brown, 5 Kans., 600.
"Timber" includes any kind of trees.
Simpson *v.* Woodward, 5 Kans., 571, 576.
The owner, not the mere possessor of the land, is entitled to treble damages.
Rwy. Co., *v.* Arnold, 10 Kans., 473.
A possessor is liable to the owner the same as a stranger.
Fitzpatrick *v.* Gebhardt, 7 Kans., 35.

KENTUCKY.

KENTUCKY STATUTES.—*Sec. 1201.* Any person who shall feloniously cut or saw down and carry away timber growing upon the

Criminal trespass on timber.

lands of another, of the value of twenty dollars or more, and without color of title in himself to the land upon which said timber was growing, or to said timber, shall be confined in the penitentiary for a period of one year.

Penalty.

Timber trespass less than $20.

Sec. 1244.—If any person shall feloniously cut, saw down and carry away timber growing upon the land of another, of less value than twenty and more than five dollars, and without color of title in himself to the land upon which the timber was growing, he shall be fined not less than fifty nor more than one hundred dollars, or imprisoned in the county jail not more than six months, or both.

Penalty.

LOUISIANA.

Criminal trespass on timber.

REVISED LAWS.—*Sec. 817.* Whoever shall cut, pull down, burn, destroy or carry away any tree, wood or timber growing or lying on the land of another, or cause the same to be done, without the consent of the owner or legal possessor, on conviction, shall pay a fine of not less than five nor more than one hundred dollars; one-third for the benefit of the owner or legal possessor of the land; one-third for the benefit of the parish, and one-third for the benefit of the district attorney. Nothing contained in this section shall take away or impair the right to damages or other legal remedy which the party injured may now have under the laws of this state.

Fine.

Civil remedy unimpaired.

Timber trespass.

ACT 137, 1890, PAGE 177 (WOLFF'S REVISED LAWS, PAGE 199).—*Sec. 1.* Whoever shall wilfully and feloniously cut, pull down, burn, destroy, kill or deaden, carry away or float away any tree, wood or timber, growing or lying on the land of another, or lying in water on the land of another, or cause the same to be done without the consent of the owner or actual possessor thereof, on conviction, shall be fined not less than $50, nor more than $500, or imprisoned in the penitentiary or otherwise for not more than two years at the discretion of the court, and in default of payment of said fine and costs he shall be imprisoned not more than four months.

Fine and imprisonment.

MAINE.

Civil damages for timber trespass.

REVISED STATUTES, CHAP. XCV.—*Sec. 9.* Whoever cuts down, injuries or carries away, any ornamental or fruit tree, timber, wood, underwood, * * * from lands not his own, is liable in damages to the owner in an action of trespass.

NOTE.—The mere legal possessor may recover.
Hayward *v.* Sedgley, 14 Me., 439.

Criminal trespass on timber.

CHAP. CXXVII.—*Sec. 15.* Whoever, except a highway commissioner acting within the scope of his lawful authority, wilfully commits any trespass by cutting, destroying or carrying away timber or wood on the land of another, * * * shall be punished by imprisonment for not more than two months and by fine not exceeding fifty dollars.

Penalty.

Timber and grass defined.

NOTE.—Laws of 1903, Chap. 232, define timber and grass on public lands as all growth of every description on such land.

MARYLAND.

PUBLIC GENERAL LAWS, SUPPLEMENT, PAGE 157, ARTICLE XXVII.—*Sec. 52.* Any person who shall wilfully or maliciously * * * take and carry away any growing tree or cut down any tree * * * shall on conviction thereof be adjudged guilty of a misdemeanor, and after presentment and indictment by a grand jury and conviction, shall, in the discretion of the court, be imprisoned in the penitentiary of this state for not less than one year nor not more than three years, or in the house of correction not exceeding three years, or in the city and county jail not exceeding one year, or be fined not less than five dollars nor more than one hundred dollars, or be both fined and imprisoned in jail as aforesaid.

Criminal trespass on timber.

Imprisonment.

Fine.

MASSACHUSETTS.

REVISED LAWS, CHAP. CLXXXV.—*Sec. 7.* Any person who without license wilfully cuts down, carries away, girdles or otherwise destroys any trees, timber, wood, or underwood on the land of another shall be liable to the owner in an action of tort for three times the amount of the damages assessed therefor; but if it is found that the defendant had good reason to believe that the land on which the trespass was committed was his own, or that he was otherwise lawfully authorized to do the acts complained of, he shall be liable for single damages only.

Timber trespass.

Treble damages.

Single damages.

Sec. 8. A trespasser, if the trespass was casual and involuntary, may, before an action is commenced, tender the damages and, upon action brought, disclaim title and allege the tender, and that the trespass was casual and involuntary; and if it is found that the allegations are true and if he has deposited with the court the amount of his tender at the time of filing his answer and the damages assessed are not more than the amount tendered, he shall recover his costs. Such tender may, subject to the same provisions, be made after the action has been commenced with like effect, if it covers the costs to the time of tender.

Innocent trespass.

Tender of damages.

REVISED LAWS, CHAP. CCVIII.—*Sec. 99.* Whoever wilfully cuts down or destroys timber or wood standing or growing on the land of another, or carries away any kind of timber or wood cut down or lying on such land * * * without the license of the owner thereof, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars, and if the offense is committed on the Lord's Day, or in disguise, or secretly in the night-time the imprisonment shall not be less than five days nor the fine less than five dollars.

Criminal trespass on timber.

Penalty.

NOTE 1.—Sec. 121, merely provides for procedure when trespasser is arrested on Sunday.

Sunday arrest.

NOTE 2.—Acts and Resolves 1904, chap. 208, sec. 1, amends section 99 of Chap. 208, Revised laws, but in no manner to affect its bearing on forest lands. Sec. 2 provides that the Secretary of the State Board of Agriculture shall have copies of the trespass laws printed. Sec. 3, provides that he shall have such copies posted, and furnish not exceeding five such copies to any reputable person asking for them to be posted.

Posting trespass notices.

MICHIGAN.

Criminal trespass on timber.

COMPILED LAWS.—*Sec. 11587.* Every person who shall wilfully commit any trespass, by cutting down or destroying any timber or wood, standing or growing on the land of another, or by carrying away any kind of timber or wood, cut down or lying on such land * * * without the license of the owner, of the value of five dollars or more, shall be punished by imprisonment in the county jail not more than sixty days, or by fine not exceeding one hundred dollars.

Penalty.

Timber trespass.

Sec. 11648. Every person having no color of title, either tax, equitable or otherwise, who shall wilfully and without permission of the owner thereof, enter upon the lands of another and shall cut down, destroy or remove therefrom any tree, trees, timber, wood, logs, or lumber, growing, standing, lying or being thereon, of the value of twenty-five dollars or more, or shall wilfully induce, direct, aid or abet any other person in so doing, and every person who shall knowingly receive into his possession, or shall purchase, or shall manufacture or shall cause to be manufactured into lumber, shingles, lath or other product, any trees, timber, wood or logs, so cut down or removed, knowing the same to have been cut or removed without the permission of the owner, with intent to induce, profit, aid or abet any other person in such cutting down or removal, or to profit himself thereby, shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison not more than one year, or by fine of not more than five hundred dollars, or imprisonment in the county jail not more than twelve months.

Penalty.

Timber trespass to amount less than $25.

Sec. 11649. If the tree, trees, timber, wood, logs or lumber so cut down, destroyed or removed shall exceed the value of one dollar and shall not be of the value of twenty five dollars, the person thus offending shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months or by both such fine and imprisonment, in the discretion of the court.

Practice.

NOTE.—Sec. 11650 provides for the method of prosecution only and is, for that reason, omitted.

MINNESOTA.

Timber trespass.

STATUTES OF MINNESOTA.—*Sec. 5884.* Whoever cuts down or carries off any wood or underwood, tree or timber or girdles or otherwise injures any tree, timber or shrub on the land of another person * * * without lawful authority is liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor in a civil action in any court having jurisdiction, except as provided in the next section.

Treble damages.

Innocent trespass on timber.

Sec. 5858. If upon trial of such action, it appears that the trespass was casual or involuntary, or that the defendant had probably cause to believe that the land on which the trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, judgment shall be given for only the single damages assessed in the action.

Single damages.

Sec. 5886. Nothing in the last two sections authorizes the recovery of more than the just value of the timber taken from uncultivated woodland, for the repair of a public highway or bridge upon the land or adjoining it. Timber for repairing roads.

Sec. 6781. A person who wilfully: Criminal trespass.

1. Cuts down, destroys or injures any wood or timber standing or growing, or which has been cut down and is lying on lands of another, or of the State * * * is punishable by imprisonment in the county jail not exceeding six months, or a fine not exceeding two hundred and fifty dollars, or both. Penalty.

MISSISSIPPI.

ANNOTATED CODE.—*Sec. 4411.* If any person shall cut down, girdle, destroy, or carry away if already cut down, any live oak tree, or any main limb thereof, on land not his own, without the consent of the owner, he shall pay to the owner fifty dollars for every such tree or limb so cut down, girdled, destroyed or carried away. Trespass on live oak. Civil remedy.

Sec. 4412. If any person shall cut down, deaden, destroy or take away, if already cut down or fallen, any cypress, white oak, black oak or other oak, pine, poplar, black walnut, cherry, pecan, hickory, chestnut, birch, ash or beech tree, on land not his own, without the consent of the owner, he shall pay to the owner of the tree or trees fifty dollars for every tree so cut down, deadened, destroyed or taken away; and for every other tree not herein described, so cut down, deadened, destroyed or taken away, the sum of five dollars shall be paid. Trespass on other trees.

Sec. 1305. If any person shall cut or raft any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras or ash tree or timber upon any lands belonging to any person or corporation without permission from the owner thereof, or his agent duly authorized, such person shall, on conviction, be imprisoned in the county jail not more than five months or fined not less than ten dollars, nor more than one thousand dollars or both. Criminal trespass on timber. Penalty.

Sec. 1317. If any person shall box for turpentine, or cut or cause to be cut, a box or boxes in a pine tree growing on land known to belong to another, without the consent of the owner, he shall, on conviction, be fined not less than five dollars nor more than twenty-five dollars for each tree so cut or boxed, or be imprisoned in the county jail not exceeding three months, or both. Boxing pine trees. Penalty.

Sec. 4418. If any person shall box for turpentine or shall cut, or cause to be cut, a box or boxes in a pine tree on lands not his own, without consent of the owner of the land or tree, he shall pay to the owner thereof five dollars for each pine tree so boxed or cut. Turpentine boxing; civil forfeit.

MISSOURI.

REVISED STATUTES.—*Sec. 4572.* If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, * * * the Timber trespass.

Treble damages.

person so offending shall pay to the party injured, treble the value of the thing so injured, broken, destroyed or taken away, with costs.

Criminal trespass on timber.

Sec. 1909. Every person * * * who shall steal, take and carry away any timber, rails or wood standing, being or growing upon the lands of another, * * * shall be deemed guilty of larceny in the same manner and in the same degree, according to the value of the property, article or thing so taken as if the same had been severed at some different and previous time.

NOTE 1.—A trespass committed under color of right is not covered by this section.

State *v.* Ravenscroft, 62 Mo. App. 109.

NOTE 2.—See also Chapter III B, of this bulletin, page 133, sec. 1969 and following.

MONTANA.

Timber trespass.

CODE OF CIVIL PROCEDURE.—*Sec. 1302.* Any person who cuts down or carries off any wood or underwood, tree or timber on the land of another person * * * without lawful authority

Treble damages.

is liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor in a civil action, in any court having jurisdiction.

NOTE.—Treble damages can be recovered only where the trespass is willful and malicious.

McDonald *v.* Mont. Wood Co., 14 Mont., 88.

Roadway timber.

Sec. 1303. Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge upon the land or adjoining it.

Criminal trespass on timber.

PENAL CODE.—*Sec. 1054* (as amended by chap. 64, Laws of 1903). Every person who wilfully commits any trespass by either

1. Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the lands of another; or

2. Carrying away any kind of timber or wood lying on such land * * * is guilty of a misdemeanor.

NEBRASKA.

Damage by cattle to woodland.

COMPILED STATUTES.—*Sec. 482.* Cultivated lands, within the meaning of this act, shall include all forest trees, fruit trees and hedge rows planted on said lands, also all lands surrounded by a plowed strip not less than one rod in width which strip shall be plowed at least once a year.

NOTE.—This section is part of a series of enactments (Sections 475 to 487) which make owners of live stock liable for all damage done by such stock upon cultivated lands, and provided for the impounding of the stock, arbitration of the damages, etc.

Timber trespass.

COMPILED STATUTES.—*Sec. 7215.* For wilful trespass, injuring any timber, tree or shrub on the land of another, * * * or on any land held by this state, for any purpose whatever, the tres-

Treble damages.

passer shall pay treble damages at the suit of any person entitled to protect or enjoy the property aforesaid.

Sec. 7216.—Nothing herein contained authorizes the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge in its immediate neighborhood. Roadway timber.

NEVADA.

COMPILED LAWS.—*Sec. 3348.* Any person who shall cut down or carry off any wood or underwood, tree or timber, or girdle or otherwise injure any tree or timber on the land of another person * * * shall be liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor in a civil action in any court having jurisdiction. Timber trespass. Treble damages.

Sec. 3349. Nothing in the last section shall authorize the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge upon the land, or adjoining it. Timber for repairing.

NOTE.—Compare also sec.328 and the following, chap. III B of this bulletin, page 135.

NEW HAMPSHIRE.

PUBLIC STATUTES, CHAP. CCXXXXIV.—*Sec. 1.* Whoever shall cut, fell, destroy, injure or carry away, wilfully and unlawfully, any tree, timber, log, wood, pole, underwood or bark, standing or being on the land of another person, or shall aid therein, shall forfeit to the person injured, for every pine or other timber tree so cut, felled, destroyed, injured or carried away, five times the value thereof; for every other tree or log of greater dimensions than one foot in diameter, five dollars and three times the value thereof; for every other tree or log of the dimension of one foot in diameter five dollars; and for every tree, log or pole, less than one foot in diameter, three dollars; and for any other wood, underwood, timber or bark, three times the value thereof. Timber trespass. Quintuple damages. Treble damages.

NEW JERSEY.

GENERAL STATUTES, PAGE 1068.—*Sec. 103.* If any person or persons whatsoever shall, at any time hereafter, unlawfully cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log or pole, standing or lying on any land in this state, to which such person or persons hath not or have not any legal right or title, without leave first had and obtained of the owner or owners of the said land for that purpose, every person so offending shall be guilty of a misdemeanor and on conviction thereof, shall be punished by a fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court before whom such offender or offenders shall be convicted, provided, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty as provided for the same offense, and shall be discharged therefrom by due course of law, or who shall cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log or pole standing or lying on any land Criminal trespass on timber. Penalty. Exceptions. Innocent trespass.

in his or her actual possession, nor any person or persons who shall cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log or pole lying or being on land not his, her or their own, by reason of not knowing the exact boundaries of lands in his, her or their possession, nor any person who shall do the same by mistake or accident, without any intention to injure or defraud the owner thereof.

Receiving stolen timber.

Sec. 104. If any person or persons shall saw up any log, or receive or buy any tree, sapling, log, pole, wood or timber, so unlawfully taken and carried away, he, she or they, so offending, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding six months, or both, at the discretion of the court before whom such offender or offenders shall be convicted.

Penalty.

Roadway timber.

Sec. 105. Nothing in this act shall be deemed or taken to extend to prohibit the cutting, felling or carrying away of any wood or timber within the bounds or limits of the highways within the state, for the making and repairing of bridges and highways.

NEW MEXICO.

Criminal trespass on timber.

COMPILED LAWS.—*Sec. 1137.* Every person who shall wilfully maliciously and wantonly, and without cause, cut down or destroy, or otherwise shall injure any fruit tree, or any other tree not his own, standing or growing for shade, ornament or other useful purposes, or cut off the branches, * * * shall be punished by imprisonment in the county jail not exceeding one year, nor less than three months, or by fine not exceeding two hundred dollars, nor less than twenty-five dollars.

Penalty.

NEW YORK.

Criminal trespass.

PENAL CODE.—*Sec. 640.* A person who wilfully cuts down or destroys or injures any wood or timber, standing or growing or which has been cut down and is lying on lands of another, or of the people of the state, * * * shall be deemed guilty of a misdemeanor.

Civil action for timber trespass.

CODE OF CIVIL PROCEDURE.—*Sec. 1667.* If any person cuts down or carries off any wood, underwood, tree or timber, or girdles or otherwise despoils a tree on the land of another, without the owner's leave, * * * an action may be maintained against him by the owner.

Treble damages.

Sec. 1668. In an action brought as described in the last section, the plaintiff may state in his complaint the amount of his damages, and demand judgment for treble the sum so stated. Thereupon, if the inquisition, or where issues of fact are tried, the verdict, report, or decision, awards him any damages, he is entitled to judgment for treble the sum so awarded, except that in either of the following cases, judgment must be rendered for single damages only:

Single damages.

Innocent timber trespass.

1. Where the verdict, report, or decision finds that the injury, for which the action was brought, was casual and involuntary; or that defendant, when he committed the injury, had probable cause to believe that the land was his own.

2. Where the defendant has pleaded, and the verdict, report, or decision finds affirmatively that the injury, for which the action was brought, was committed by taking timber for the purpose of making or repairing a public road or a public bridge; or by taking any wood, underwood, or tree, for a like purpose, by authority of a public highway commissioner. Taking timber for repair for high road.

NORTH CAROLINA.

LAWS OF 1889, CHAP. 168.—*Sec. 1.* If any person not being the bonafide owner thereof shall knowingly and wilfully cut down, injure or remove any standing, growing or fallen trees or logs, the property of another, he shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars or imprisonment not more than thirty days, or both. Criminal trespass on timber. Penalty.

NORTH DAKOTA.

REVISED CODE.—*Sec. 7569. (Sec. 703, Penal Code.)* Every person who wilfully commits any trespass by either: Criminal trespass on timber.

1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or driving or riding through, into or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same; or

2. Carrying away any kind of wood or timber that has been cut down and is lying upon such lands; * * * is guilty of a misdemeanor.

Sec. 7570. (Sec. 704, Penal Code.) Every person who shall wantonly or maliciously cut, dig up, or injure any timber set out, planted, cultivated or growing naturally, or who shall wantonly or maliciously open, let down, throw down or prostrate any fence, gate or bars, belonging to any inclosure of any description of cultivated and growing timber, or tears down and opens any such fence, gate or bars, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, and shall be liable in damages to the party injured. Same. Penalty.

OHIO.

ANNOTATED STATUTES.—*Sec. 6889a.* Whoever shall saw, bore or cut down any timber, tree or trees of whatever size, or any poles commonly called hoop poles, standing or growing upon the lands of another, or lands of the state of Ohio, or shall unlawfully take, carry or haul away from the lands of another person or lands of the state of Ohio, any timber, sawlogs, rails, rail cuts, tan-bark, hoop poles, railroad ties, hoops, staves, stave bolts, or blocks, butts or any timber of any value whatever or shall unlawfully dig up, pluck off or carry away from the lands of another person any cultivated root or roots, plant or plants, fruit, or any other vegetable production or productions, with intent in each or any of the above recited cases to injure the owner of said lands in his property, or to defraud him or them, if the value of the Criminal trespass on timber.

Value penalty. $35; property so severed or taken is of the value of thirty-five dollars or more shall be guilty of a felony, and be imprisoned in the penitentiary not more than three years, nor less than one year, and shall pay the cost of prosecution. And, if any party shall be convicted of either or any of the offenses mentioned in this section, and the value of the property severed or in any manner taken from the lands in violation of this section shall be less than thirty-five dollars, he shall be guilty of a misdemeanor, and be fined in any sum not less than twice the value of the property severed or carried away from the lands as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and pay costs of prosecution.

Value less than $35; penalty.

Receiving stolen timber, etc. *Sec. 6880b.* Whoever shall buy any of the property mentioned in section 6880*a*, or any lumber, timber, bark, rails, hoops, or hoop poles, or railroad ties, so made or taken, knowing that the same had been severed or taken from the lands of another, or from the lands of the state, in violation of section 6880*a*, with intent to defraud the owner of such property, shall be fined not less than twice the value of the property bought or received as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty.

Sawing or manufacturing stolen timber. *Sec. 6880c.* Whoever owning a sawmill, stave, spoke or other manufactory of wooden articles, or having charge or control thereof, or who may be working in or running a sawmill, stave, spoke, or other manufactory of wooden articles, shall saw, or knowingly permit to be sawed in said mills, or used in said manufactories, any timber or logs, or other articles, mentioned in this act, with intent thereby to injure or defraud the owner or owners of said property, and knowing that said timber or logs had been severed or taken from the lands of another, or from the lands of the state of Ohio, in violation of the provisions of section 6880*a*, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twice the value of the lumber or timber sawed as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty.

Disposal of fine. NOTE.—Sec. 6880*d* provides that fine for criminal timber trespass under last four sections above, shall be disposed of as follows: First, costs of prosecution to be paid; second, owner to receive twice the value of timber taken.

OKLAHOMA.

Criminal trespass on timber. STATUTES.—*Sec. 2494.* Every person is guilty of a midemeanor who wilfully commits any trespass by either:

1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or, driving or riding through, into or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same; or

2. Carrying away any kind of wood or timber that has been cut down and is lying on such lands.

* * * * *

Sec. 2495. Every person who shall wantonly or maliciously cut, dig up or injure any timber set out, planted, cultivated or growing naturally, or who shall wantonly or maliciously open, let down, throw down, or prostrate any fence, gate or bars belonging to any inclosure of any description of cultivated and growing timber, or tears down or opens any such fence, gate or bars, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding thirty days or by fine not exceeding one hundred dollars, or by both such fine and imprisonment, and shall be liable in damages to the party injured.

Same.

Penalty.

OREGON.

CODES AND STATUTES.—*Sec. 348.* Whenever any person shall cut down, girdle or otherwise injure or carry off, any tree, timber or shrub on the land of another person * * * without lawful authority, in an action by such person, * * * against the person committing such trespasses, or any of them, if judgment be given for the plaintiff, it shall be given for treble the amount of damages claimed or assessed therefor, as the case may be.

Timber trespass.

Treble damages.

Sec. 349. If, upon the trial of such action, it shall appear that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that such tree or timber was taken from uninclosed woodland, for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages.

Innocent timber trespass.

Single damages.

Sec. 1829. If any person shall wilfully cut down, destroy or injure any standing or growing tree upon the lands of another, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall wilfully dig, take, quarry or remove from any such land any mineral, earth or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Criminal trespass on timber.

Penalty.

PENNSYLVANIA.

PEPPER AND LEWIS' DIGEST, PAGE 4706 (LAWS OF 1824, PAGE 152).—In all cases, where any person * * * shall cut down or fell, or employ any person or persons to cut down or fell, any timber tree or trees, growing upon the lands of another, without the consent of the owner thereof, he, she or they so offending shall be liable to pay to such owner double the value of such tree or trees so cut down or felled; or in case of the conversion thereof to the use of such offender or offenders treble the value thereof, to be recovered, with costs of suit, by action of trespass or trover, as the case may be; and no prosecution by indictment shall be any bar to such action.

Timber trespass.

Double damages.

Treble damages.

NOTE.—This provision was, by Laws of 1840, Page 217, made applicable to "any person or persons who shall purchase or receive any timber, tree or trees, knowing the same to have been cut or removed from the lands of another person with-

Receiving stolen timber.

out the consent of the owner or owners thereof; or who shall purchase or receive any planks, boards, staves, shingles, or other lumber made from such timber, tree or trees, so as aforesaid cut or removed, knowing the same to have been so made."

Criminal trespass on timber.

PEPPER AND LEWIS' DIGEST, PAGE 1263 (LAWS OF 1860, PAGE 342).—If any person shall cut down or fell any timber, tree or trees, knowing the same to be standing or growing upon the land of another person, without the consent of the owner; or if any person shall purchase or receive any timber, tree or trees, knowing the same to have been cut or removed from the lands of another without the consent of the owner thereof, or who shall purchase any planks, boards, staves, shingles, or other lumber made from such timber, tree or trees, so as aforesaid cut or removed, knowing the same to have been so made, the person so offending shall be guilty of a misdemeanor and, being thereof convicted, shall be sentenced to pay such fine, not exceeding one thousand dollars, or to such imprisonment, not exceeding one year, as the court, in their discretion, may think proper to impose.

Penalty.

NOTE 1.—See also Laws of 1887, sec. 3, chap. IV A of this bulletin, page 186.

Timber-cutting by a co-tenant.

NOTE 2.—Act of May 4, 1869, provides that, in case of co-tenants of timberland, one tenant may not cut or remove timber without the consent of his co-tenants. It also grants the same remedies as though the offending tenant were a stranger. It also provides for an injunction in restraint.

Damage to trees by wire.

NOTE 3.—Act of June 2, 1891, provides that the court may appoint three men to appraise damages for trees cut in the erection or maintenance of telegraph or telephone wires.

Trespassers to be arrested without warrant.

ACT OF APRIL 29, 1897.—*Sec. 1.* If any person or persons shall be detected by any constable or other peace officer, in the act of trespassing upon any forest or timberland within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit, some offence or offences against any of the laws now enacted or hereafter to be enacted for the protection of forests and timberland, such constable or other peace officer shall have authority at once, without first procuring a warrant therefor, to arrest on view such person or persons, with like effect as though such warrant had first been procured.

RHODE ISLAND.

Timber trespass.

GENERAL LAWS, CHAP. CCLXX.—*Sec. 1.* Every person who shall cut, destroy or carry away any tree, timber, wood or underwood whatsoever, lying or growing on the land of any other person, without leave of the owner thereof, shall, for every such trespass, pay the party injured twice the value of any tree so cut, destroyed or carried away; and for the wood or underwood thrice the value thereof; to be recovered by action of trespass before any district court in the county authorized to hear and determine the same, if the damages do not exceed the sum of three hundred dollars, but if they be above that value, then before the Common Pleas Division of the Supreme Court in the same county, as the case may be.

Treble damages.

SOUTH DAKOTA.

PENAL CODE.—*Sec. 724.* Every person who wilfully commits any trespass by either, Criminal trespass on timber.

1. Cutting down or destroying any kind of wood or timber standing or growing upon the lands of another; or driving or riding through, into or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or, in any other manner, injuring the same; or,

2. Carrying away any kind of wood or timber that has been cut down and is lying on such lands; * * * is guilty of a misdemeanor.

Sec. 725. Every person who shall wantonly or maliciously cut, dig up, or injure any timber set out, planted, cultivated or growing naturally, or who shall wantonly or maliciously open, let down, throw down, or prostrate any fence, gate or bars belonging to any enclosure of any description of cultivated and growing timber, or tears down or opens any such fence, gate or bars, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding thirty days, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment and shall be liable in damages to the party injured. Same. Penalty.

TENNESSEE.

CODE OF TENNESSEE.—*Sec. 6496.* It is declared to be a misdemeanor: * * * Criminal trespass on timber.

7. To trespass on the lands of another, by cutting down or in any manner destroying valuable timber thereon, exceeding fifty cents in value, with a view to convert the same to his own use, unless the offender be traveling or moving along any road and by accident or otherwise require the same for his own immediate use.

NOTE.—Trespass, to be punishable under this section, must be wilful.
Dotson *v.* State, 6 Coldwell 545.

8. To knowingly, wilfully and wantonly cut down and destroy valuable timber of another, whether the owner be personally present to forbid the same or not.

LAWS OF 1897, CHAPTER 106 (AS AMENDED BY LAWS OF 1899, CHAP. 381).—*Sec. 1.* It shall be a felony for any one to knowingly, wilfully cut, or remove for the purpose of marketing the same, timber from the lands of another, without the consent of the owner of the timber so cut or removed. Felony.

Sec. 2. Any one convicted of a violation of the provisions of this act shall be imprisoned in the penitentiary of the state for a period of not less than one nor more than three years. Penalty.

TEXAS.

PENAL CODE.—*Article 825.* If any person, without the consent of the owner, shall knowingly cut down or destroy any tree or timber upon land not his own, or shall knowingly, and without Criminal trespass on timber.

Penalty.

such consent, carry away any such timber, he shall be fined not less than ten nor more than five hundred dollars.

Definitions of "timber" and "owner."

Art. 826. The word "timber" as used in the preceding article includes rails or other articles manufactured from timber; and the word "owner" includes the state and any corporation, public or private, owning lands within this state.

NOTE.—Wood suitable for fuel does not come within the meaning of the word "timber."
Wilson *v.* State, 17 App. 393.

Road timber; camp fires.

Art. 829. Nothing in the foregoing articles of this chapter contained shall render any person guilty of any offense who cuts and uses timber for the purpose of making or repairing any public road or bridge passing over or immediately adjacent to the land on which such trees or timber may be found, or who uses a reasonable amount of wood standing outside of an inclosure for the purpose of making fires while traveling upon the road.

Timber stealing.

Art. 830. Nothing contained in the foregoing articles of this chapter shall exempt a person from the penalty affixed to the offense of theft, whenever timber is taken in such a manner as to come within the definition of that offense.

Trespass on pecan and walnut trees.

Art. 831. If any person shall cut down or otherwise destroy or injure any pecan or walnut tree on land not his own, without authority in writing from the owner of such pecan or walnut tree,

Penalty.

he shall be punished by fine of not less than twenty-five nor more than fifty dollars.

UTAH.

Treble damages.

REVISED STATUTES.—*Sec. 3508.* Any person who cuts down, or carries off, any wood or underwood, tree or timber, or girdles or otherwise injures any tree or timber on the land of another person, * * * is liable to the owner of such land * * * for treble the amount of damages which may be assessed therefor, in a civil action in any court having jurisdiction.

Roadway timber.

Sec. 3509. Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodlands for the repair of a public highway or bridge upon the land, or adjoining it.

Criminal trespass on timber.

Sec. 4430 (As revised by Laws of 1903, Chap. 101). Every person who wilfully and maliciously commits any trespass by either:

1. Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the land of another; or

2. Carrying away any kind of wood or timber that has been cut down and is lying on such lands; or

3. Maliciously injuring or severing from the freehold of another anything attached thereto or the product thereof; * * * is guilty of a misdemeanor.

VERMONT.

Timber trespass.

VERMONT STATUTES.—*Sec. 5020.* If a person cuts down, destroys or carries away trees placed or growing for use, shade or ornament, or timber, wood or underwood standing, lying or growing on the land of another person, without leave from the owner of such lands; or cuts out, alters, or defaces the mark of any log,

or other valuable timber, in a river or other place, the party injured may recover of such person treble damages in an action on this statute. But if upon trial it appears that the defendant acted through mistake, or had good reason to believe that the trees, timber or underwood were on his land, the plaintiff shall recover single damages only, and costs.

Treble damages.

Single damages.

WASHINGTON.

WASHINGTON CODE.—*Sec. 4876.* Whenever any person shall cut down, girdle or otherwise injure or carry off, any tree, timber or shrub on the land of another person, * * * without lawful authority, in an action by such person * * * against the person committing such trespass or any of them, if judgment be given for the plaintiff, it shall be given for treble the amount of damages claimed or assessed therefor as the case may be.

Timber trespass.

Treble damages.

Sec. 4877. If upon trial of such action it shall appear that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his own, or that of the person in whose service or by whose direction the act was done or that such tree or timber was taken from uninclosed woodlands for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages.

Innocent trespass on timber.

Single damages.

Sec. 6223. If any person shall wilfully cut down, destroy or injure any standing or growing tree upon the lands of another, or shall wilfully dig, take, quarry, or remove from any such lands any mineral, earth, or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Criminal trespass on timber.

Penalty.

WISCONSIN.

WISCONSIN STATUTES.—*Sec. 4449a.* Any person who shall wilfully sever from the land of another any timber or trees standing or growing thereon, and take and convert the same to his own use, or who shall take and convert to his own use any timber, trees, logs, ties, posts, poles or bark, which shall have been wilfully severed from the land of another, without the consent of the owner of such land, knowing the same to have been so severed by persons in the employ of the party so converting such timber, trees, logs, ties, posts, poles, or bark to his own use, shall be guilty of larceny, and in any case not within the provisions of the next preceding section or section 4452, shall be punished as provided in section 4415 for the larceny of property of the same value.

Criminal trespass on timber.

NOTE.—The "next preceding section" refers to stealing of logs, etc., from rivers, booms, etc. "Sec. 4452" refers to trespasses on trees in cities and villages. Penalty "provided in Sec. 4415" is as follows: For property worth more than $100, imprisonment for not more than five nor less than one year; for property worth less than $100 but more than $20, imprisonment not more than one year nor less than six months, or fine not more than $200; for property worth less than $20, imprisonment not more than six months, or fine not more than $100.

Penalty.

CHAPTER III B.

STATUTES RELATING TO TRESPASS ON PUBLIC FOREST LANDS.

UNITED STATES.

Timber trespass on lands of the United States. Mar. 2, 1831, c. 66, s. 1, v. 4, p. 472.

REVISED STATUTES, PAGE 450.—*Sec. 2461.* If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months.

Penalty.

Rulings with regard to timber trespass on public land.

NOTE.—The penalty here imposed applies to all timber on public lands.

U. S. *v.* Briggs, 9 How. 351.

Homestead settlers may sell timber cut for cultivation purposes, but not otherwise.

Shiver *v.* U. S., 159 U. S. 491.

Stone *v.* U. S., 167 U. S. 178.

Ignorance of the law is no defense.

U. S. *v.* Murphy, 32 Fed. Rep. 376.

It is error for the court to instruct the jury that the government has always tacitly permitted the pioneer settlers to cut timber from the public domain.

U. S. *v.* Mock, 149 U. S. 273.

Persons may not carry off timber or other property from public lands and sell it for profit.

U. S. *v.* Mock, 149 U. S. 273.

Exportation of timber declared a trespass. Mar. 2, 1831, c. 66, s. 2, v. 4, p. 472.

Sec. 2462. If the master, owner or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding sections prescribed, without proper authority and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars.

Penalty.

Duty of collectors of customs. Mar. 2, 1833, c. 67, s. 3, v. 4, p. 647.

Sec. 2463. It shall be the duty of all collectors of the customs within the states of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands.

Disposal of fines, etc. Apr. 30, 1878, c. 76, s. 2, v. 20, p. 46.

COMPILED STATUTES, PAGE 1528.—*Sec. 2.* * * * All moneys heretofore, and that shall hereafter be, collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands. * * *

Timber not to be exported.

If any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found.

May cut timber in mineral districts. June 3, 1878, c. 150, v. 20, p. 88.

COMPILED STATUTES, PAGE 1528.—*Sec. 1.* All citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other tree growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona-fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

Secretary of the Interior to regulate.

Not to extend to railroads.

Duty of land officers.

Sec. 2. It shall be the duty of the register and the receiver of any local land-office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes

authorized by this act, within their respective land districts; and if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts. Trespass.

Sec. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. Penalty.

COMPILED STATUTES, PAGE 1529.—*Sec. 4.* After the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, [in any public land States,] or remove, or cause to be removed, any timber from said public lands with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars: Provided, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.

Criminal trespass on public timber. June 3, 1878, c. 151, s. 4, v. 20, p. 90.
Amendment, Aug. 4, 1892, c. 375, s. 2, v. 27, p. 348.
Vessels and railroads not to transport such timber.
Penalty.

Farmers, miners, and officers of the U. S. allowed proper timber use.

NOTE. The words in brackets in above section are inserted in place of the words "in said States and Territory," as ordered by amending act of Aug. 4, 1892.

Sec. 5. Any person prosecuted in said States and Territory for violating section 2461 of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States, and section 4751 of the Revised Statutes is hereby repealed, so far as it relates to the public land States.

Compromise for timber cut for use in same State or Territory.

No title granted to party relieved.
Fines to be covered into U. S. Treasury. R. S. Sec. 4751 repealed for public land States.
Amendment, Aug. 4, 1892, c. 375, s. 2, v. 27, p. 348.

NOTE 1.—This section relieves the trespasser from criminal but not from civil liability at common law.
U. S. *v.* Scott, 39 Fed. Rep., 900.

A compromise made under authority of the Commissioner of Public Lands, by which a trespasser agrees to pay the value of the timber removed, with costs of seizure, is binding on the United States.

Wells *v.* Nickles, 104 U. S., 444.

NOTE 2.—For the other sections of above act see page 15 of this bulletin.

Entry and payment of price to estop suit for trespass.

ACT OF JUNE 15, 1880, 21 STAT. AT LARGE, PAGE 237.—*Sec. 1.* When any lands of the United States shall have been entered and the Government price paid therefor in full no criminal suit or proceeding by or in the name of the United States shall thereafter be had or further maintained for any trespasses upon or for or on account of any material taken from said lands, and no civil suit or proceeding shall be had or further maintained for or on account of any trespasses upon or material taken from the said lands of the United States in the ordinary clearing of land, in working a mining claim or for agriculture or for domestic purposes or for maintaining improvements upon the land of any bona fide settler or for or on account of any timber or material taken or used by any person without fault or knowledge of the trespass or for or on account of any timber taken or used without fraud or collusion by any person who in good faith paid the officers or agents of the United States for the same or for or on account of any alleged conspiracy in relation thereto: *Provided*, That the provisions of this section shall apply only to trespasses and acts done or committed and conspiracies entered into prior to March first, eighteen hundred and seventy-nine: *And provided further*, That defendants in such suits or proceedings shall exhibit to the proper courts or officer the evidence of such entry and payment and shall pay all costs accrued up to the time of such entry.

Bona fide settlers protected from suit.

* * * * *

Mineral lands exempted from provisions of this act.

Sec. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March first, eighteen hundred and seventy-nine, shall be entitled to the benefit thereof.

Timber trespass on reservations.

Sec. 5388 amended by June 4, 1888, c. 340, v. 25, p. 166.

COMPILED STATUTES, PAGE 3649.—Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court.

Penalty.

May cut timber for use in the State or Territory.

Mar. 3, 1891, c. 561, s. 8, v. 26, p. 1099.

Amending acts of Mar. 3, 1891, c. 559, v. 26, p. 1093;

COMPILED STATUTES, PAGE 1530.—*Sec. 8.* * * * And in the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming, [the Territories of] New Mexico and Arizona, and the District of Alaska, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it

shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, 1878, providing for the cutting of timber on mineral lands: [*Provided*], That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of * * * [this section], to citizens of Idaho and Wyoming, to cut timber in the State of Wyoming west of the continental divide, on the Snake River and its tributaries to the boundary line of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.

Feb. 13, 1893, c. 103, v. 27, p. 444; Mar. 3, 1901, c. 855, v. 31, p. 1436.

Railroads may not cut.

Secretary of the Interior to make regulations.

Amending act of Mar. 3, 1891, c. 559, v. 26, p. 1093.

Mineral land timber law of 1878 not repealed.

Exporting from certain States permitted.

Amendatory act of July 1, 1898, c. 546, v. 30, p. 618.

NOTE 1.—The amending acts of March 3, 1891, chap. 559, February 13, 1893, and March 3, 1901, merely added other States and Territories to those already mentioned in sec. 8 of act of March 3, 1891, quoted above. These new names are inserted in the body of the law. It is this act of March 3, 1891, sec. 8, as amended, that gives the "free use of timber" right on lands which are non-mineral and non-reserve.

NOTE 2.—The amending act of July 1, 1898, has been incorporated in the above section practically verbatim as a proviso. The words "Provided" and "this section" have been interpolated for clearness and where the stars appear the words "the eighth section of act of March 3, 1891," have been omitted for the same reason.

NOTE 3.—By the act of March 3, 1901, (Compiled Statutes, page 1534), it is further enacted, that the above provisions "limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said States, shall not apply to the south slope of Tryon Mountain, in the state of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but, within the above-described boundaries, the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States."

Citizens of both Montana and Wyoming to use certain timber. Mar. 3, 1901, c. 862, v. 31, p. 1439.

ALABAMA.

CODE OF ALABAMA.—*Sec. 5609.* Any person who knowingly and wilfully enters upon the lands of the state and cuts any timber or cultivates such land, or otherwise appropriates the same, to any private use, without lawful authority, must, on conviction, be fined not less than one hundred dollars, and may also be imprisoned in the county jail for not more than thirty days; and this section must be given in special charge to the grand juries.

Timber trespass on state lands.

Penalty.

Sec. 5610. Every trespasser on school lands must, on conviction, be fined not less than three times the amount of the injury occa-

Timber trespass on school lands.

Disposal of fine.

sioned by such trespass; and the fine shall be added to the principal of the school fund of the township.

NOTE.—For trespass on reserved township timber lots, see under heading Alabama, Chap. II of this bulletin, page 30. See also sec. 5616 on page 92 of this bulletin.

ARIZONA.

Timber trespass on school lands by lessee.

REVISED STATUTES OF ARIZONA.—*Sec. 4041.* The lessees of any school or university lands shall not be allowed to cut for barter or sale, or use more timber therefrom than is necessary for the improvement of such land, or for fuel for family use, excepting it was planted thereon by the party leasing, or by his predecessor.

Exceptions.

Penalty.

Any person or persons, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and fined not less than one hundred ($100) dollars and not more than three hundred ($300) dollars for each and every offense.

Timber trespass on public lands.

PENAL CODE.—*Sec. 329.* Any person who shall cut or remove, or take any timber from any of the public lands within any of the counties of this territory for the purpose of shipping the same to any place without this territory, or to any foreign place or market whatever, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in the territorial prison for not to exceed three years, or fined not to exceed five thousand dollars, or both such fine and imprisonment.

Penalty.

Timber trespass on university lands.

Sec. 542. Every person who wilfully commits trespass upon the public lands granted by the United States to the territory of Arizona for the use and support of a University in said territory, and selected and located as such under an act of Congress, approved February 18, 1881, by either:

1. Cutting down, destroying or injuring any kind of wood or timber growing upon said lands, or,

Penalty.

2. Carrying away any kind of wood or timber lying on such lands; * * * shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or both such fine and imprisonment; but this section shall not apply to nor include any railroads which may hereafter be built in so far as it prohibits the cutting of timber in securing a right of way through university lands.

Railroads excepted.

ARKANSAS.

Timber inspector.

DIGEST OF STATUTES.—*Sec. 3876.* The commissioner of state lands shall be *ex officio* state timber inspector and shall discharge the duties and receive the fees herein prescribed. * * *

Seizing stolen timber.

Sec. 3897. In case the state timber inspector shall find anywhere in this state any logs, timber, lumber, staves, shingles, shingle bolts, stocks, headings, wood, bark, stone, mineral or other material unlawfully cut, dug, removed or taken from any state lands he shall seize the same or cause the same to be seized and shall give written notice to any person or persons who may be found in possession or control of the same of such seizure and shall cause a complaint to be filed in some court of competent jur-

isdiction charging such logs, timber, lumber, staves, shingles, shingle bolts, stocks, headings, wood, bark, stone, mineral, or other material to have been unlawfully cut, dug, removed or taken from state lands, and charging the same to be the property of the state. If no person or persons shall be found in possession or control of the same, then the complaint shall state that fact.

Practice.

NOTE 1.—Sections 3898 and 3899 provide for the method of legal procedure in case of the seizure mentioned above. Sec. 3900 provides for public or private sale of timber thus seized, when judgment is rendered for the state. Sec. 3901 provides that the prosecuting attorney of the circuit must prosecute such suits for the state. Sec. 3902 provides that the proceeds of such sales shall be distributed as follows: If the timber inspector furnishes the information, 40 per cent shall go to the inspector, 10 per cent to the prosecuting attorney, and 50 per cent to the state treasury. If an outsider furnishes the information, 25 per cent shall go to the inspector, 15 per cent to the informant, 10 per cent to the attorney, and 50 per cent to the state. Sec. 3903 provides that sheriffs and township officers must give information of such trespass. Sec. 3904 provides that prosecuting attorneys must initiate both criminal and civil suits against trespassers. Sec. 3905 provides that all money derived from such sales and from civil suits and not otherwise specifically provided for, must be covered into the state treasury to the credit of the respective funds to which the lands belong, but all other moneys recovered must be paid into the general fund.

Sales.

Prosecuting attorney.

Distribution of proceeds.

Peace officers.

Criminal and civil suits.

Special fund and general fund.

NOTE 2.—For criminal punishments see Chap. III A of this bulletin, Sec. 1774 and following, page 92.

Penalties.

COLORADO.

LAWS OF 1897, CHAP. 73.—*Sec. 1.* Any person who shall cut or remove any timber from any state land without authority so to do by the state board of land commissioners, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not less than three dollars nor more than three hundred dollars, or by imprisonment in the county jail for a term not less than thirty days nor more than three months, or by both such fine and imprisonment, for the mutilation or destruction of each tree.

Criminal trespass on state timber.

Penalty.

Sec. 2. Justice courts, county courts and district courts shall have jurisdiction for the trial of offenses under this act, and it shall be the duty of the county superintendent of schools to make complaint whenever he shall be informed of any violation of this act, and of the district attorney and his deputy to prosecute the same. * * *

Duty of county superintendents.

Sec. 13. Any person who shall cut or remove a coniferous growth from the public lands, or state lands, with the intention to ship or sell the same outside the state, shall be deemed guilty of a misdemeanor, but this provision shall not apply to the transplanting of trees for ornamental purposes.

Removing conifers.

NOTE.—The greater part of the provisions of Laws of 1897, Chap. 8, relating to fish and game and the office of commissioner of forests, fish, and game, was superseded by Laws of 1899, Chap. 98, which creates the department of fish and game. This act reenacts substantially all the provisions of the law of 1897, relating to fish and game, with many new provisions, but leaves out the forestal provisions, except a section

against fire (Sec. 14, see Chap. IV A of this bulletin, page 145). It does not in terms repeal any provision of the law of 1897, and its provisions were here inserted because some doubt may exist whether they have been repealed or not.

FLORIDA.

Timber agent.

REVISED STATUTES.—*Sec. 654.* The sheriff of each county within this state shall, *ex officio*, act as timber agent for his county, and he shall receive as pay for his services one-fourth of the net proceeds from all seizures and of all net amounts recovered from trespassers reported by him upon the lands of the state or of any fund of the state.

Duties of agent.

Sec. 655. It shall be the duty of the timber agent to inquire diligently into all cases of trespass upon the public lands that may come to his knowledge, and to make complaint thereof before the court or any officer having jurisdiction, that the parties offending may be arrested and dealt with according to law; and said timber agent shall have power and authority in his county, to arrest any person trespassing upon the public lands, and shall have power and authority to seize all timber that shall have been cut upon the public land of the state, or removed therefrom, and to sell the same at such places within the district as he may deem most convenient, after giving thirty days' notice by one publication in the newspaper published nearest the place of sale, and posting the notice in three public places in the county where the sale is to take place.

Power to arrest trespassers and seize property.

Sales of property seized.

Practice. Fine for opposing a timber agent.

NOTE.—Sections 656 and 657 provide only for the legal method of procedure. Sec. 2584 provides a fine of not more than fifty dollars for obstructing or resisting a timber agent.

Criminal trespass on state timber.

REVISED STATUTES.—*Sec. 2522.* If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting any cedar, juniper, cypress, oak, pine, palmetto, or other timber, standing, growing or being on any of the public lands of this state, whether for the support of schools, seminaries or internal improvements, or if any person shall remove, or cause or procure to be removed, or aid or assist or be employed in removing from any such lands any cedar, juniper, cypress, oak, pine, palmetto or other timber, unless duly authorized to do so; or if any person or persons shall cut or box, or cause or procure to be cut or boxed, or aid, assist, or be employed in cutting or boxing any pine timber upon any of said public lands for the purpose of extracting and gathering the turpentine therefrom, or shall gather or remove, or cause to be gathered or removed, or aid, assist or be employed in gathering or removing any turpentine extracted from the pine timber so cut or boxed; or if any person shall, in any way, by cutting, felling, girdling or otherwise, destroy or injure any timber standing, growing or being upon said lands, he shall for every such offense pay a fine of not more than triple the value of the tree or trees or timber so cut, removed, boxed, destroyed or injured, and shall be imprisoned in the county jail not exceeding twelve months. This section, however, shall not apply to any person upon the public lands, who shall cut or fell timber on the same for the purpose of clearing land for cultivation, or for building, fencing or fuel for his own immediate use, or for making or constructing or repairing

Penalty of treble damages.

Cutting timber for proper use.

working tools and implements to be used upon the farm, nor to the cutting or removal of dead and fallen timber other than cedar, juniper, pine and cypress, nor to cut wood for fuel which is otherwise valueless.

Sheriff as accessory.

Sec. 2523. Any sheriff or his deputies, who shall combine with any person trespassing on the state lands, or engaged in getting logs or other timber therefrom for sale, shall be punished by imprisonment in the state prison not exceeding three years, or by fine not exceeding one thousand dollars.

Penalty.

Trespass on tax lands before redemption or tax deed.

LAWS OF 1895, PAGE 177, CHAP. 4416.—*Sec. 1.* If any person shall cut or cause or procure to be cut, or aid, assist or be employed in cutting any cedar, juniper, cypress, oak, pine, palmetto or other timber standing, growing or being on any lands that have heretofore been sold or may hereafter be sold for taxes, before the lands are redeemed or a tax deed issued for the same; or if any person shall remove or procure or cause to be removed or aid or assist or be employed in removing from any of such lands any cedar, juniper, cypress, oak, pine, palmetto or other timber; or if any person shall cut or box, or cause or procure to be cut or boxed, or aid, assist, or be employed in cutting or boxing, any pine timber on said lands for the purpose of extracting and gathering the turpentine therefrom, or shall gather or remove, or cause to be gathered or removed, or aid, assist, or be employed in gathering or removing any turpentine extracted from the pine timber so cut or boxed; or if any person shall in any way, by cutting, felling, girdling, or otherwise, destroy or injure any timber standing, growing or being upon said lands, he shall for every such offense be deemed and held to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars: Provided, however, this act shall not apply to the owner or owners of said lands at the time the lands were sold for taxes.

Penalty.

Owner may cut.

HAWAII.

Timber trespass near road.

COMPILED LAWS.—*Sec. 1617.* From and after the passage of sections 1617–1619 it shall not be lawful for any person to cut, mutilate, or destroy any forest tree or growing shrubbery or underbrush within 250 feet of any road which may have been or hereafter may be constructed by the government through any natural forest.

Settlers may continue clearing.

Sec. 1618. Sections 1617–1619 shall not be construed to prevent any person who may have already cleared and planted land, such land now being under cultivation, from clearing trees, shrubbery and underbrush therefrom to a sufficient extent to properly continue such cultivation, nor to prevent the holder of such lot from constructing a road to the rear of such lot.

Penalty.

Sec. 1619. Any person violating Sections 1617–1618 shall be fined not less than ten dollars nor more than fifty dollars for each offense.

NOTE.—See also latter half of Compiled Statutes, Sec. 1611, which may be found on page 36 of this bulletin.

ILLINOIS.

Timber trespass on school lands.

REVISED STATUTES, CHAP. CXXII.—*Sec. 246.* If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log, standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling, or log so cut, felled, boxed, bored, destroyed or carried away the sum of eight dollars, which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, or an action * * * in the name * * * of any person who will first sue for the same, one-half of the judgment for the use of the person suing, the other half for the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed.

Penalty.

Treble damages.

Sec. 247. Every trespasser upon common school lands shall be liable to indictment, and upon conviction thereof shall be fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor.

Paid into township treasury.

Sec. 248. All penalties and fines, collected under the provisions of the foregoing sections, shall be paid to the township treasurer, and be added to the principal of the township fund.

Timber trespass on school lands.

REVISED STATUTES, CHAP. CXXXVI.—*Sec. 8.* If any person or persons shall, under pretense of any lease or otherwise, cut, fell,

Specified trees.

box, bore or destroy any black walnut, black, white, yellow or red oak, white wood, poplar, wild cherry, blue ash, yellow or black locust, chestnut, coffee or sugar tree, or sapling, standing or growing upon any lands within the state reserved, appropriated or intended for the use and support of schools, or for the use and support of religion, such person or persons shall forfeit and pay, for every such tree or sapling, so cut, felled, boxed, bored or destroyed, the sum of $8; and if any person or persons

Penalty.

Other trees.

shall cut, fell, box, bore or destroy any other tree or sapling, not hereinabove named and enumerated, standing or growing upon any lands within the state, reserved, appropriated or intended for the use aforesaid, such person or persons shall forfeit and pay, for every such tree or sapling so cut, felled, boxed, bored or destroyed, the sum of $3.

Penalty.

Civil action.

Sec. 9. The penalties provided in the preceding section shall and may be recovered, with costs of suit, either by action of debt, brought by or in the name or names of the overseers of the poor in the township * * * or by action in the name of any other person who will first sue for and recover the same; the one-half for the person so suing and recovering, and the other half for the use of the poor of the county. * * *

NOTE 1.—The omitted part of Sec. 9 has to do with methods of legal procedure only. It is probable that these two sections, 8 and 9, supersede Sections 246 and 247 of Chap. CXXII of the Revised Statutes, quoted above.

NOTE.—See also sec. 269, page 98, of this bulletin.

INDIANA.

Sheriffs to report trespass on state timber.

REVISED STATUTES.—*Sec. 7498.* The auditor of state may require the sheriff of any county in which may lie lands belonging or

mortgaged to the state, to examine and report to him any trespass or waste done or permitted, whether by the mortgagor, purchaser, or other person, to the probable injury of the state.

Prosecutions.

Sec. 7499. On receiving such report, such auditor may direct the prosecuting attorney for the proper circuit to commence and prosecute suit against such trespassers for the penalty imposed by law, or, at his option, to institute criminal proceedings, or both.

Rights of settlers to improve and cultivate.

Sec. 7500. The purchase of any lands mortgaged to the state, and sold on forfeiture, shall not confer on the purchaser, until final payment therefor be made, the right to cut upon such lands any growing wood or timber, or to remove any building stone, or other material, except as the same may be necessary for firewood on the premises, or for the erection of fences or buildings thereon, or in fairly improving such lands for the purposes of cultivation.

Treble damages.

Sec. 7501. Every person who shall trespass on any land belonging to the state, and shall commit thereon wilful waste or injury, shall forfeit and pay three times the amount of injury done by him or under his direction; and such amount shall not be assessed at less than ten dollars.

Paid to counties.

Sec. 7502. Such damages shall be paid into the treasury of the county wherein recovered, for the use of the common schools therein.

Penalty for criminal trespass.

NOTE.—For criminal provisions, see Chap. III A, sec. 2065, of this bulletin, page 98.

Gathering cranberries a trespass.

Sec. 2267. Whoever gathers cranberries from any of the public lands, or lands owned by non-residents, between the first day of May and the fifteenth day of September, of any year, shall be fined in any sum not more than twenty-five dollars, nor less than five dollars. But nothing herein contained shall prevent any person from gathering cranberries at any time on lands of which he is the owner.

Penalty.

IOWA.

NOTE.—See, under heading of Iowa, chap. III A, sec. 4306, of this bulletin, page 99.

KANSAS.

Criminal trespass on school lands timber.

GENERAL STATUTES.—*Sec. 6366.* If any person shall cut down injure, destroy or carry away any tree or trees growing upon any school lands that are or may hereafter be set apart for the use of schools or any other state institutions, or cut, destroy or carry away any wood standing or being upon or growing on any school, college or university land, or shall dig up or quarry, or carry away any stones, ore or mineral lying or being upon such lands, the person committing such trespass shall be deemed guilty of a misdemeanor, and may be indicted and fined in a sum not less than double the amount of damage proved to have been committed, and not exceeding one thousand dollars, and confined in the county jail not less than one month and not more than six months.

Penalty.

Double damages.

Practice.

NOTE.—Sec. 6367 provides that complaint must be made on oath to a justice who shall issue warrant for trespasser's arrest. Sec. 6368, that, on hearing, the justice shall hold the

Bail. Officials bound to enter complaint. County attorneys to prosecute. Fines to go as school fund.

trespasser in bail, not more than $2,000, or commit him to jail to await action of district court. Sec. 6369, that grand jury shall act on such cases. Sec. 6370, that school superintendents, district directors, clerks and treasurers, sheriffs and constables shall take notice of trespassers and enter complaint. Sec. 6371, that county attorneys shall prosecute such cases. Sec. 6372, that fines shall be paid into the county treasury for use of the school fund.

LOUISIANA.

Criminal trespass on state timber. Penalty.

REVISED LAWS.—*Sec. 819.* Whoever shall cut down or destroy, or remove for sale, the timber on any land belonging to the state, shall, upon conviction, be condemned to pay a fine not less than fifty nor more than one thousand dollars, and in default of the same be sentenced to imprisonment not less than ten days, nor more than one year.

Officers to report such trespass. District attorney to prosecute.

It shall be the duty of the registers of the state land offices, of the swamp land commissioners, and of the swamp land engineers, to report all trespasses to the district attorney of the district, and to furnish him with such evidence as may be in their possession.

Grand juries to investigate.

It shall also be the duty of the several district judges of this state, at each regular session of their courts, to charge the grand juries specially to inquire into trespasses upon public lands belonging to this state and on the provisions of this section.

Timber trespass on school lands. Penalty.

LAWS OF 1882, ACT 14, PAGE 10 (WOLFF'S REV. LAWS, PAGE 200).—*Sec. 1.* Whoever shall cut down or remove for sale for his own use, or the use of another, any timber on any free school land in this state, belonging to the state, known as sixteenth sections, shall be deemed guilty of a misdemeanor, and upon conviction shall be condemned to pay a fine of not less than fifty nor more than one thousand dollars, and on default of the same be sentenced to imprisonment not less than ten days nor more than one year.

Criminal trespass on state timber. Penalty.

REVISED LAWS.—*Sec. 2967.* If any person or persons shall cut, remove or otherwise dispose of, or be employed in cutting, removing or otherwise disposing of any timber or wood of whatever kind from the lands belonging to this state or donated to this state by the United States, unless duly authorized to do so by order of a competent officer of the state or the United States, such person or persons so offending and being thereof duly convicted before any court of competent jurisdiction, shall pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding one year.

Duty of land register.

Sec. 2968. It shall be the duty of the register of the state land office to render such information as may tend to convict the aforesaid person or persons.

Grand jury.

Sec. 2969. It shall be the duty of the several district judges of the state, at each regular session of their courts, to charge the grand juries specially to inquire into the trespasses upon public lands belonging to this state: Provided, that if any person shall cut for his own use, he shall not come under this act.

NOTE.—Sections 2967, 2968 and 2969 would seem to supersede Sec. 819 (see above) but, as they all occur in the same volume of Louisiana law duly revised, they are all printed here.

MAINE.

REVISED STATUTES, CHAP. V.—*Sec. 10.* If any person unlawfully enters and trespasses upon the public lands, or upon any lands reserved for public uses, while under care of the (land) agent, and cuts, takes, or carries away any trees or grass upon said lands, he and all persons who furnish teams, implements or apparatus or supplies of provisions or of other articles, used in committing and carrying on such trespasses, are trespassers jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs, or other lumber, or hay, would bring at the usual place of sale thereof. Nothing in this section affects the right of the state to seize and sell any timber, logs, lumber or hay, cut as aforesaid. At such sale no person, who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

Timber trespass on state lands.

Measure of damages.

Sales of material seized.

MASSACHUSETTS.

NOTE.—Revised Laws, Chap. XXVIII, Sec. 30, provides a fine of $20 for violation of rules controlling public reservations, park-ways or boulevards. See page 44 of this bulletin.

MICHIGAN.

COMPILED LAWS.—*Sec. 1393.* The commissioner of the State Land Office, by and with the advice of the governor is hereby authorized to adjust and settle cases of trespass or other injury upon or to any of the lands owned or held in trust or otherwise by this state, and to receive all moneys paid in satisfaction of such trespass or injury, and shall in all cases charge and collect the amount of expense incurred in the examination and adjustment thereof. The commissioner of the State Land Office shall pay over all moneys so received to the state treasurer for the benefit of the fund to which the same may properly belong, and shall keep a complete and itemized record in his office of all adjustments and settlements made under the provisions of this act.

Settlement of claims for timber trespass on state lands.

Expense to be charged.

Disposal of money collected.

COMPILED LAWS.—*Sec. 1934* (As amended by Public Acts of 1903, No. 210, Sec. 61). Every person not thereto lawfully authorized, who shall enter upon or induce or direct any person or persons, to enter upon any state tax lands, state tax homestead lands, state swamp, primary school, university, state building, salt spring, asylum, agricultural college, or any other lands belonging to the state, and shall cut, or induce or direct to be cut, or remove or induce or direct to be removed, any logs, ties, wood, bark, posts, poles, shingle bolts, hoop poles, shrubbery, or trees, for decoration, or any timber whatever, from the same; and any person, or persons, who shall injure or remove, or induce or direct any other person, or persons, to injure or remove any buildings, fences, improvements, or other property belonging or appertaining to the lands above referred to, shall be deemed

Criminal trespass on state timber.

Penalty.

guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state's prison for a term not exceeding two years, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

NOTE.—See also Section 11749 and following below, and note thereto.

Grand juries.

Sec. 1395. It shall be the duty of every court having jurisdiction of the same, specially to charge the grand jury at each term of said court to inquire into all offenses against the provisions of this chapter, and present any person who may be guilty of any such offense within their county.

Treble damages.

Sec. 1396. Any person who shall commit any trespass upon any of the lands owned or held in trust, or otherwise, by this state, shall be liable in treble damages, in an action of trespass, to be brought in the name of the people of the state, if such trespass shall be found by the court or jury to have been wilful, and single damages only shall be recovered in such action if such trespass shall be found to have beeen casual and involuntary * * *.

Single damages.

Duty of county attorneys.

Sec. 1398. The prosecuting attorneys of the several counties shall promptly report to the commissioner all trespasses committed on any of said lands which may come to their knowledge, and shall when directed by the commissioner, prosecute all actions for any trespass or injury thereto, or for the recovery of possession thereof, or otherwise.

Criminal trespass on state timber.

Sec. 11749. Every person not thereto lawfully authorized, who shall wilfully and knowingly enter upon or wilfully and knowingly direct or induce any other person to enter upon any of the lands of this state, or any lands held in trust by this state for railroad purposes, or for any other purpose whatsoever, and shall cut down or destroy, or cause to be cut down or destroyed any trees standing or growing thereon, if the value of such trees so cut down or destroyed shall exceed the sum of twenty-five dollars,

Penalty.

shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the state prison not more than five years, or by fine not less than one hundred nor more than two thousand dollars.

NOTE.—This act is severely criticised and held partially unconstitutional in Swart *v.* Kimball, 43 Mich. 443.

Timber stealing.

Sec. 11750. Every person who shall take and carry away any tree or parts thereof, or any timber or lumber made therefrom, so cut or destroyed or heretofore so cut down or destroyed, on such land, wherever in this state the same shall be, with intent to convert the same to his own use or the use of his employer or principal, if the same shall exceed in value the sum of twenty-five dol-

Penalty.

lars, shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison not more than five years, or by fine not less than one hundred nor more than two thousand dollars, and imprisonment in the state prison not less than three nor more than twelve months.

Value less than $25.

Sec. 11751. If the trees so cut down or destroyed, or the trees, parts of trees, timber, or lumber, made thereof, so taken and carried away, shall not in value exceed the sum of twenty-five dollars, the person offending shall be punished by imprisonment in the

state prison not less than three months nor more than one year, or by fine of not less than fifty nor more than one hundred dollars, and imprisonment in the state prison not more than three months.

NOTE.—Sections 11752, 11753, 11754, 11756, 11757 and 11758 refer to the practice in prosecutions under the preceding sections, and are of no interest to the forester. These later sections of the Compiled Laws would seem practically to supersede Sections 1393 to 1397 inclusive quoted above, but since they are not so treated in the Compiled Laws of Michigan, they are not omitted here.

Receiving stolen timber.

Sec. 11755. If any person being the owner of or having any interest in any sawmill, shall by himself, his agent or servant, use the same in sawing or manufacturing any logs, timber or lumber, so unlawfully cut down or destroyed, taken and carried away, or shall by himself, his agent or servant, receive the same for the purpose of so sawing or manufacturing the same, at such mill, knowing the same to have been so cut down or destroyed or taken or carried away, he shall be deemed guilty of a felony, and shall be punished as first mentioned in this act, and shall be proceeded with in the same manner and with the same effects in all respects, as if charged with the offense first mentioned in this act (Sec. 11749). * * *

Penalty.

Non-resident.

Double damages.

NOTE.—The rest of Sec. 11755 deals entirely with the practice when the mill owner is a non-resident, prescribing that such owner shall be held directly liable for the fine which shall be appraised at double damages, and that his property shall be used to collect the same, if not paid otherwise.

Seizing stolen timber.

PUBLIC ACTS OF 1903, No. 145.—*Sec. 1.* The commissioner of the State Land Office, by his duly authorized agents, is hereby authorized and empowered to seize and mark with the state mark, and take into his possession, all timber cut from or other property removed from state tax lands, wherever found within the jurisdiction of the state of Michigan. The timber so seized from state tax lands shall be sold by the said commissioner at its actual market value, and the moneys so received shall be paid by the commissioner to the state treasurer, to be paid into the fund to which it may belong.

Sale of such timber.

Penalty for interfering with timber having the state mark.

Sec. 2. Any person or persons moving or inducing or directing any person or persons to move any timber or other property, seized by such duly authorized agents and bearing the state mark, without first being fully authorized to do so by a written release issued by the commissioner of the State Land Office, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Trespass agents.

PUBLIC ACTS OF 1903, No. 226.—*Sec. 1.* It shall be the duty of the commissioner of the Public Land Office to appoint such persons state trespass agents as he may deem necessary to protect the timber on all state lands, and to prohibit trespass upon the same. Such trespass agents shall hold their office at the will of the commissioner. The commissioner shall not pay to any appointed agent more than four dollars a day, and the number of such appointed agents who may receive such per diem shall not

Compensation.

exceed three. All other trespass agents shall receive not to exceed three dollars per diem. All trespass agents shall be reimbursed monthly for their per diem and actual expenses necessarily incurred by them in the performance of their duties, to be paid on the warrant of the auditor general on the approval of itemized vouchers therefor by the Board of State Auditors.

Their duties. To watch state lands.

Sec. 2. It shall be the duty of such trespass agents to watch all tax state lands, state swamp lands, primary school and university lands, agricultural college, asylum salt springs, state building and tax homestead lands, and to seize and mark with the state mark and take into their possession all timber or the product therefrom cut from such lands. Such seizures may be made without warrant. They shall make a report in each week in such form as the commissioner shall prescribe, and shall report therein the work done the preceding week, and the timber seized and marked. Such timber as is seized by said trespass agents shall be disposed of by them as directed by the commissioner.

To seize and mark timber.

To enforce the timber laws.

To begin suits.

To aid in prosecution.

Sec. 3. Such trespass agents shall enforce all the laws of the state for the protection of timber upon such lands as are set out in Section 2 of this act. They shall make complaint before the officer having jurisdiction of such causes, cause proceedings to be instituted against all persons violating any of the laws of this state for the protection of timber upon the state lands, and shall collect evidence and aid in the prosecution of persons violating such laws. They shall be furnished with plats by the commissioner of the State Land Office and the auditor general of this state, showing the lands belonging to the state which it is the duty of such agents to protect.

Bond.

NOTE.—Sec. 4 provides that each trespass agent must give a bond.

Disposal of money resulting from sale of timber seized.

Special funds.

Sec. 5. All moneys received by such trespass agents from the disposition of timber cut from state lands shall be forwarded to the commissioner and shall by him be paid into the state treasury. The moneys so received from state, swamp, school, university, salt spring, asylum, state building and agricultural college lands shall be credited to the various funds to which they belong. The money so received from tax homestead and state tax lands shall be credited to the general fund. The commissioner of the State Land Office shall keep a complete and itemized record of all moneys so received by him, through the operation of this act, and of all seizures made and trespasses reported by said agents.

Timber trespass on tax lands.

COMPILED LAWS.—*Sec. 1323.* The commissioner of the State Land Office is hereby authorized and empowered to adjust and collect all trespasses upon all lands held by the state for the nonpayment of taxes and he shall pay over all moneys received by him in satisfaction of such trespasses to the state treasurer for the benefit of the fund to which it may belong, and shall keep a complete and itemized record in his office of all adjustments and settlements made under the provisions of this act.

Not to cut on tax lands.

COMPILED LAWS (AS AMENDED BY ACTS OF 1901, No. 206).—*Sec. 3962 a.* It shall be unlawful for any person, co-partnership, company or corporation to cut or attempt to cut any standing timber growing upon lands in this state upon which the taxes remain un-

paid from and after the tenth day of January succeeding that at which the tax was assessed, and before such lands are bid off to the state for the non-payment of taxes, or to remove any timber, wood, logs or buildings therefrom.

NOTE.—Sections 3962 *b* and 3962 *c*, added by the same act, refer to the practice in cases of injunction for the cutting of timber on tax lands.

Injunction from cutting timber on tax lands.

COMPILED LAWS.—*Sec. 3979* (As amended by Chap. 34, Public Acts of 1901). When any person, co-partnership, company or corporation shall neglect or refuse to pay any tax assessed on the lands of such person, co-partnership company or corporation, after such tax shall have become a lien on said lands and before the expiration of the warrant attached to his tax roll the township treasurer shall make application for and be entitled to an injunction to restrain waste on any such lands upon which the taxes shall remain unpaid, and to prevent the cutting of any timber standing or growing thereon, or the removal of any timber, wood or logs, or the tearing down or removing of any buildings therefrom. Any circuit judge or circuit court commissioner of the county in which such lands are situated may on application of such township treasurer make an order restraining any person, co-partnership, company or corporation from committing waste on any such lands by the cutting of any timber, standing or growing thereon, or the removal of any timber, wood or logs, or the tearing down or removal of any buildings therefrom.

Trespass on state forest reserves.

NOTE.—For provisions against trespass on state forest reserve lands, see sec. 6 of Public Acts of 1903, no. 175, on page 47 of this bulletin.

MINNESOTA.

Damages from timber trespass paid to State treasurer.

STATUTES OF MINNESOTA.—*Sec. 3989.* All damages recovered for any trespass or other injuries upon or to any of the lands mentioned in this title (Title I) shall be paid over to the state treasurer, for the benefit of the fund to which the same properly belongs.

Criminal trespass on state timber.

Sec. 3990. Whoever commits any wilful trespass upon any of the lands owned or held in trust or otherwise by this state, either by cutting down or destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or who injures or removes any buildings, fences, improvements or other property belonging or appertaining to said lands, or aids directs or countenances such trespass or other injuries, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one hundred dollars, or both such fine and imprisonment, in the discretion of the court.

Penalty.

Grand jury.

NOTE.—Sec. 3991 provides simply that the grand juries shall take cognizance of such trespass and indict all offenders.

Trespass on pine lands.

STATUTES OF MINNESOTA.—*Sec. 6907.* Whoever commits any wilful trespass upon lands now or hereafter held in trust or other-

wise by this state, in manner as follows, by cutting pine timber for lumber purposes, or evidently to endanger and expose pine timber to fire or decay, or whoever countenances such trespass, or whoever wilfully burns over, or causes to be burned over, any of said lands, shall be deemed guilty of felony and on conviction thereof shall be punished by imprisonment in the state prison not more than one year, or by fine not exceeding one thousand dollars, or both such fine and imprisonment in the discretion of the court.

Penalty.

Timber trespass on state lands.

LAWS OF 1895, CHAP. 163.—*Sec.* 7. If any person firm or corporation, without a valid and existing permit therefor, cuts or employs, or induces any other person, firm or corporation to cut, or assist in cutting, any timber of whatsoever description, on state lands, or removes or carries away, or employs or induces or assists any other person, firm or corporation to remove or carry away any such timber, or other property, he shall be liable to the state in treble damages, if such trespass is adjudged to have been wilful; but double damages only, in case the trespass is adjudged to have been casual and involuntary, and shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in removing such other property, cutting such timber, preparing the same for market, or transporting the same to or toward market.

Treble damages.

Double damages.

Criminal trespass on state timber.

Whoever cuts or removes, or employs or induces any other person, firm or corporation to cut or remove any timber or other property from state lands, contrary to the provisions of this act, or without conforming in each and every respect thereto, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding one thousand (1,000) dollars, or by imprisonment in the state prison not exceeding two (2) years, or by both in case the trespass is adjudged to have been wilful.

Penalty.

Mixing timber cut from state lands.

Whenever any timber so cut is intermingled with any other timber, or whenever other property taken from state lands is intermingled with other property, the state may seize and sell the whole quantity so intermingled with other property, pursuant to the provisions of section forty (40) of this act, and such other timber or property shall be presumed to have been also cut from state lands. Provided, the intermingling of timber above referred to shall only apply to cases having been adjudged as wilful trespass.

NOTE 1.—The chapter, of which the above section is a part (Chap. 163, Laws of 1895, amended as to Sec. 3 by Chap. 302, Laws of 1897), contains many and elaborate provisions for the sale of timber from state lands. These are of a fiscal and administrative, rather than forestal character, and therefore omitted. According to Sec. 11 of this act, "no timber shall ever be sold or disposed of unless the same is liable to waste."

NOTE 2.—For criminal trespass, see also sec. 6781, in chap. III-A, page 103 of this bulletin.

NOTE 3.—The second paragraph of Sec. 7 of this act, practically supersedes Sec. 3990 of statutes of Minnesota, quoted above.

MISSISSIPPI.

ANNOTATED CODE.—*Sec. 2589.* It is the duty of the land commissioner to see that trespasses be not committed on the public lands; and for that purpose he may cause all necessary inquiries and investigations to be made. He shall cause the proper suits to be instituted, and prosecuted for the recovery of possession of any public land adversely held by any person, and for damages against any person trespassing thereon.

Duty of land commissioner to prevent trespass on state land.

Sec. 2590. If any person go or be upon any public land, and cut, fell or otherwise injure any tree thereon or commit any other trespass on such land, the damages for any such trespass shall not be assessed at less than the sum of two dollars per acre in every forty-acre subdivision of land upon which any trespass was committed by the defendant, besides the statutory damages prescribed for trespass committed as to any tree or timber thereon; and all such damages may be recovered in one and the same action, and the commissioner may institute suits for the recovery of any timber taken contrary to law; but this shall not apply to a person renting public land and having the license of the land commissioner to take trees or timber from contiguous woodland for fuel and the like.

Trespass on state timber.

Method of assessing damages.

Timber taken may be recovered.

NOTE.—See also Chap. III A of this bulletin, page 103.

Sec. 4423. If any person shall be guilty of cutting or rafting any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras or ash trees or timber upon any lands belonging to this state or held in trust by this state, such person shall be liable to indictment, and, on conviction, shall be imprisoned in the county jail, not exceeding six months, or be fined in a sum not less than one hundred dollars, nor more than one thousand dollars, or both.

Criminal trespass on state timber.

Penalty.

MISSOURI.

REVISED STATUTES.—*Sec. 1969.* Any person who shall unlawfully enter upon any lands belonging to this state, saline, seminary, school or swamp lands belonging to any county, or lands belonging to any corporation, person or persons, and shall cut down, or destroy, or cause to be cut down or destroyed, any tree or trees standing or growing thereon, of the value of thirty dollars, or any person who shall induce, assist, aid or abet any other person so to do, shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the state penitentiary for a period of not less than two years, or by imprisonment in the county jail not less than six months, or by fine not less than three hundred dollars.

Criminal trespass on state and private timber.

Penalty.

Sec. 1970. Any person who shall take and carry away any trees, or parts thereof, or any logs, timber, lumber, staves, ties, piling, heading or shingles cut from such lands, with intent to convert the same to his own use or the use of his employer or principal, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a period of not less than two years, or by imprisonment in the county jail

Stealing timber.

Penalty.

not less than six months, or by a fine not less than three hundred dollars.

Receiving stolen lumber.

Sec. 1971. If the owner of any sawmill, stave mill, or shingle or other mill or any person operating any such mill, or if any person as agent of any person owning or operating any such mill, or if any person as officer or agent of any corporation owning or operating any such mill, or if any person shall by himself, his agent or servant knowingly receive or purchase any trees, logs or timber, or the products of any trees, logs or timber, knowing the same to have been cut contrary to the provisions of this act, for the purpose of sawing or manufacturing the same, or for other purposes, or for the purpose of selling the same, of the value of thirty dollars, he shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in the penitentiary for a period of not less than two years, or by imprisonment in the county jail not less than six months, or by fine not less than three hundred dollars.

Penalty.

Value less than $30; petit larceny.

Sec. 1972. If the trees so cut down or destroyed be of value less than thirty dollars, or if the parts of trees, timber, rails, lumber, staves, ties, piling, heading or shingles made therefrom, so taken and carried away, or so sawed at any sawmill shall be of a value less than thirty dollars, the person so offending shall be deemed guilty of petit larceny, and upon conviction shall be punished by imprisonment in the county jail, not exceeding one year, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

Penalty.

MONTANA.

Timber trespass on state lands.

PENAL CODE.—*Sec. 1076.* Every person who commits a trespass on, or injury to any state lands or the improvements thereon, or who, without the proper authority, cuts, fells, girdles, injures or destroys any trees or timber upon any of the school, university or other state lands, or removes or attempts to remove the same or knowingly purchases or receives such trees or timber, or advises the removal thereof, is guilty of a misdemeanor and is also liable to the state for three times the value of said trees or timber, or lumber, into which the same was converted. All fines collected and all moneys recovered by virtue of this section must be paid into the school fund of the state.

Treble damages.

Disposition of fines.

Duty of county superintendent in case of trespass.

POLITICAL CODE.—*Sec. 3516.* Every person who commits a trespass on or injury to any of the lands of the state, or the improvements thereon, is guilty as provided in section 1076 of the penal code. It is the duty of the county superintendent of common schools to report to the proper officers all offenses committed in his county relating to the public lands of the state.

NEBRASKA.

NOTE.—See Chap. III–A under the heading Nebraska, Sec. 7215, page 104, of this bulletin.

NEVADA.

COMPILED LAWS.—*Sec. 328.* It shall be unlawful for any person or corporation to cut down, or remove, or cause to be cut down or removed, any wood, timber or trees on or from any land in this state, to which this state, or any person or corporation has or may have an inchoate title, or any title less than fee simple, and the provisions of this section shall apply to the owner of such inchoate title or title less than fee simple, the same as to other persons and corporations. Timber trespass on lands under inchoate title.

Sec. 329. If any owner of an inchoate title to any land in this state, or title to such land less than fee simple, or any other person or corporation, shall violate the provisions of the first section of this act (Section 328), such person or corporation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars. Such trespass a misdemeanor. Penalty.

Sec. 330. If any person shall cut down or remove any tree, wood or timber from any land in this state, to which the state has a fee simple title or an inchoate title by reason of grant from the United States, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine as provided in section two of this act. Timber trespass on state lands. Penalty.

Sec. 331. * * * Nothing in this act contained shall be so construed as to prevent the cutting and using by actual settlers upon such lands as are herein specified of such woods as may be necessary for domestic uses, or of such timber as may be necessary for making permanent improvements upon such lands. Use for fuel and improvement.

LAWS OF 1903, CHAP. 93.—*Sec. 1.* It shall be a misdemeanor to sell or offer for sale any live or growing wood obtained from any common, white, yellow or sugar pine tree, or any fir, tamarack, spruce or flat-leaved cedar tree less than one foot in diameter, two feet from the ground. Conifers under 12 inches in diameter not to be cut.

Sec. 2. The object of this Act is to protect the second or later growth of wood and timber on lands in this state, and it shall be [so] construed, in order that the natural water supply of the state may be preserved and its young forests saved from wanton destruction. Purpose of law. Water supply.

Sec. 3. Any person convicted of the violation of any provision of this Act shall be punished by a fine of not to exceed five hundred dollars, ($500), or imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Penalty.

NEW HAMPSHIRE.

NOTE.—See Chap. II of this bulletin, note on page 56.

NEW YORK.

CUMMING AND GILBERT'S ANNOTATED GENERAL LAWS, PAGE 1506 (as amended by Chap. 334, Laws of 1903).—*Sec. 222 (Of the Forest, Fish and Game Law).* Actions may, on the order of a commissioner or of the chief game protector be maintained in the name of the people, through special counsel whose compensation shall be fixed by the commission, to recover damages for trespass Civil and criminal actions for trespass on State timber.

or waste on lands in the forest preserve, or to prevent trespass or injury thereto with relief by temporary or final injunction; or to recover possession of lands belonging to the state within the forest preserve. Moneys recovered in such an action, shall be paid to the commission, which after paying the expense of collection shall, on the certificate of the chief game protector, pay to the game protector upon whose information the action was brought fifty dollars, or if the net balance be less than one hundred dollars, one-half thereof. A person who cuts or causes to be cut or carried away any tree, timber, wood or bark from state lands in the forest preserve is guilty of a misdemeanor; he shall also be liable to a penalty of ten dollars for each tree cut, taken away and destroyed by him, or under his direction. The penalty so incurred may be recovered in the action to recover damages for trespass, or in a separate action.

Penalty.

NOTE.—See also provisions of penal code, sec. 640, page 106 of this bulletin.

NORTH DAKOTA.

Timber trespass on State lands.

REVISED CODE.—*Sec. 229.* Whoever commits any trespass upon any of the lands owned, or held in trust, or otherwise, by the state, shall be liable in treble damages in an action to be brought in the name of the state if such trespass is adjudged to have been wilful; but single damages only shall be recovered in such action if such trespass is adjudged to have been casual and involuntary.

Treble damages.

Single damages.

Criminal trespass on State timber.

Sec. 230. Whoever commits any wilful trespass upon the lands owned or held in trust or otherwise by this state, either by cutting down or destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or by mowing or cutting or removing any hay or grass standing or growing or being thereon; or who injures or removes any buildings, fences, improvements or other property belonging or appertaining to said land or unlawfully breaks or cultivates any of said lands, or aids, directs or countenances such trespass or other injury shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars, or both such fine and imprisonment, in the discretion of the court. And whoever is occupying, residing upon or in possession of any school or other public lands owned or held in trust or otherwise by the state at the time of the passage, approval and taking effect of this act without a valid lease therefor, shall be deemed and held to be a wilful trespasser thereon, and guilty of trespass upon such land, and upon conviction thereof shall be punished as provided for in this section for any other act of trespass.

Penalty.

Seizure of timber, etc.

Sec. 231. In addition to the penalties provided for in this article against those committing trespass upon any of the lands owned or held in trust or otherwise by this state, the commissioner is authorized and empowered without legal process to seize and take, or cause to be seized or taken any and all timber, grass, wood, or other property unlawfully severed from such

lands, whether the same has been removed from such lands or not, and may dispose of the property so taken, either at public or private sale, in such manner as will be most conducive to the interests of the state; and all moneys arising therefrom, after deducting the reasonable and necessary expenses of such seizure and sale shall be made a part of the general fund belonging to the public lands, and shall be distributed in accordance with the provisions of this article.

Sales of timber seized.

Disposal of proceeds.

Sec. 232. All damages recovered from any trespass or other injury upon or to any of the lands mentioned in this article, shall be paid over to the state treasurer for the benefit of the general fund to which the same properly belongs.

Disposal of damages.

Sec. 225. No lessee of any of the common school or public lands of the state, or his heirs or assigns, shall cut down or take away from such land any timber, trees or wood, or cause the same to be done, by any person, except that such lessee may cut down, or use such amount of dead or prostrate trees or timber as may be sufficient to supply him with fuel for his family or the families of his employees actually residing upon such tract. Any lessee violating the provisions of this section shall forfeit his lease and all rights and interest thereunder, and shall be liable to the state for damages sustained by the state by reason thereof, and shall be guilty of a misdemeanor.

Timber trespass on school lands by lessee.

May use dead trees for fuel.

Penalty.

OHIO.

ANNOTATED STATUTES.—*Sec. 1197.* When it comes to the knowledge of a county surveyor, that any trespass has been committed, on any canal, school or ministerial lands belonging to the state, he shall immediately ascertain the extent of such trespass, the name of the trespasser and the names of witnesses, and report the same to the prosecuting attorney of the county; for which services he shall be paid out of the fines collected therefor and the proceeds of sale of timber seized by the prosecuting attorney, such compensation as the court allows.

Duty of county surveyor.

Sec. 1279. When a tree or trees standing or growing on any lands belonging to the state, or any land belonging to any school district, are without lawful authority cut down, or in any way injured, the prosecuting attorney shall prosecute the wrong-doer, and he shall seize all timber so cut down, if the same can be found, and sell it at public vendue, on five days' notice, and after the payment of any fees due to the county surveyor provided for in section 1197, pay the proceeds into the county treasury to the credit of the auditor of state or school district, as the case may be.

Prosecutions.

ANNOTATED STATUTES.—*Sec. 6880.* If any person shall, without authority, enter upon any land belonging to the state of Ohio, or held in trust by the state, and cut down any standing timber, or shall remove therefrom any stone or timber, the same being the property of the state, he shall be deemed guilty of a misdemeanor, and every person so offending shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars, and be imprisoned in the jail of the proper county, any time not exceeding ten days.

Misdemeanor.

NOTE.—See also chap. III A of this bulletin, sec. 6880a, and following, page 107.

OREGON.

Criminal trespass.

CODES AND STATUTES.—*Sec. 1827.* If any person shall wilfully cut down, destroy or injure any tree standing or growing upon any lands of this state, whether known as state lands or otherwise, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall dig, quarry, take or remove any mineral, earth or stone from such lands, such person upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

PENNSYLVANIA.

NOTE 1.—See section 2, Act of 1901, in chap. II of this bulletin.

NOTE 2.—For power of forest police to arrest with or without warrant for trespass on State "forestry reservations," see Laws of 1903, page 24, in chap. II, page 72 of this bulletin. See also act of April 29, 1897, section 1, on page 70 of this bulletin.

PHILIPPINE ISLANDS.

Trespass on public timber.

ACTS OF THE PHILIPPINE COMMISSION, No. 530.—*Sec. 6.* Every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States, which in pursuance of law may be reserved or purchased for military purposes in the Philippine Islands, or removes any other public property, shall, upon conviction, be fined for each offense a sum not exceeding five hundred dollars, or be imprisoned for a period not exceeding twelve months, or both, in the discretion of the court.

Penalty.

NOTE.—For further trespass provisions, see page 83 of this bulletin.

SOUTH DAKOTA.

Criminal trespass.

PENAL CODE.—*Sec. 539.* (*Annotated Statutes, Sec. 333.*) Any person or persons who shall remove or attempt to remove any timber or wood standing or growing on said public and school lands, shall, in addition to the penalties provided for in this act, and on conviction thereof, be punishable by a fine of not less than one thousand dollars, nor more than two thousand dollars, or by imprisonment in the penitentiary for not less than one year, nor more than five years, or both in the discretion of the court.

Civil damages.

Sec. 540. (*Annotated Statutes, Sec. 334.*) Any person who shall violate the provisions of this act shall be liable to civil suit for damages resulting from their act or acts, in addition to the criminal action herein provided for, and it shall be the duty of the state's attorney in any county where complaint is made, to bring suit, in the name of the state to recover damages for such violation in any competent tribunal, and the sum or sums adjudged by the court as the result of such action shall be covered into the state treasury, and placed to the credit of the permanent fund of the class to which said land belongs.

TEXAS.

NOTE.—See chap. III A, page 111, of this bulletin.

UTAH.

REVISED STATUTES.—*Sec. 2354.* The lessee of state lands shall in no case be allowed to cut or use more timber therefrom than shall be necessary for the improvement of such lands, or for fuel for the use of the family of the lessee. The cutting and hauling of timber from leased agricultural or grazing lands to sawmills is prohibited. Lessees not to sell timber.

Sec. 4476. Every person who wilfully and without authority enters upon the public lands of the state, and cuts down, destroys or injures any kind of wood or timber, except cedar, quaking aspen, maple, oak, mahogany and pinyon pine, growing upon such lands, shall be guilty of a misdemeanor; provided, that nothing contained herein shall prevent any miner from clearing his land in the ordinary working of his mining claim, or the taking or cutting timber for the making or improvement of roads and bridges. Criminal trespass.

Sec. 4477.—It is hereby declared to be and is hereby made unlawful for any person to cut, use, have in his possession, offer for sale, or convey away from any of the public or state lands of Utah any green spruce, fir or balsam trees, under eight inches in diameter at the butt, except for transplanting; provided, that this section shall not be deemed to apply to any cutting of timber on the public domain under authority of Congress, or to any cutting of lumber for building purposes that is or may hereafter be authorized by law. Any person found guilty of violating any provision of this section shall be deemed guilty of a misdemeanor. Cutting small conifers unlawful. Timber on the public domain.

WASHINGTON.

CODE OF WASHINGTON.—*Sec. 6225.* Every person who wilfully commits any trespass by cutting down, destroying or injuring any kind of wood or timber, or any tree standing or growing upon the state, school or granted lands, or by carrying away any kind of wood or timber lying on such lands, or by maliciously injuring or severing anything attached thereto or the produce thereof, or by digging, taking or carrying away any earth, soil, stone or mineral therefrom, shall be guilty of larceny. Criminal trespass on timber.

Sec. 6226. If any person shall wilfully cut down, destroy or injure any tree standing or growing upon any lands of this state, whether known as school lands or otherwise, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall dig, quarry, take or remove any mineral, earth or stone from such lands, except as provided by law, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars. Same.

WISCONSIN.

Trespass agents.

LAWS OF 1903, CHAP. 450.—*Sec 8.* Every person appointed as trespass agent under authority of this act shall, before entering upon the office, take and subscribe the following oath of office: I do solemnly swear that I will support the constitution of the United States and the state of Wisconsin; that I will not engage either directly or indirectly in the purchase for my own benefit or for the benefit of any other person, of any public lands or timber so long as I remain as agent of the Board of Forest Commissioners; and that I will faithfully and to the best of my ability discharge the duty of such agent, so help me God. Such oath of office shall be filed in the office of the superintendent of forests and every such agent is prohibited from purchasing any of the public lands, directly or indirectly either in his own name or in the name of any other person in trust for him, and for every subdivision of land purchased in violation thereof, he shall forfeit two hundred and fifty dollars. It shall be the duty of every trespass agent appointed under this act, to immediately report to the superintendent of state forests, and to the commissioners of public lands, any person found trespassing on any lands belonging to the state and to immediately communicate to the attorney general and to the district attorney in the county in which such lands are located any and all information received by them respecting the commission of any trespass or waste upon said lands.

NOTE.—Such provisions of chap. XVI, Wisconsin Statutes, entitled, "Of the protection of the public lands," as are of a forestal, rather than fiscal or administrative character, have been superseded by the trespass provisions of chapter 450, Laws of 1903, inserted above. They contemplated the employment, by the Department of State Forestry, of trespass agents, to recover the value of timber stolen from the state lands.

WYOMING.

Settlers not to sell timber.

REVISED STATUTES.—*Sec.* 787. Settlers on the public lands, miners, farmers and other bona fide residents in this state, who have not a sufficient supply of timber on their own claims for firewood, fencing or building purposes, or for other necessary use in the development of the mineral, agricultural or other natural resources of the lands owned or occupied by them, shall be permitted to cut timber from the lands owned by this state, or under the control of the state, strictly for the purposes enumerated in this section, that is, for firewood, fencing and building purposes, or other necessary purposes in the use, improvement or development of the lands owned or occupied by them, but not for sale or to be otherwise disposed of to other persons or for use on other lands than their own, or those occupied by them.

CHAPTER IV A.

STATUTES RELATING TO FOREST FIRES IN GENERAL.

UNITED STATES.

COMPILED STATUTES, PAGE 1532.—*Sec. 1.* Any person who shall wilfully or maliciously set on fire any timber, underbrush, or grass upon the public domain, or shall * * * leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than five thousand dollars or be imprisoned for a term of not more than two years, or both.

Setting fires to timber on the public domain. Feb. 24, 1897, c. 313, v. 29, p. 594, amended by May 5, 1900, c. 349, v. 31, p. 169.

Penalty.

NOTE.—Act of May 5, 1900, amends the above section by omitting, where indicated by stars, the words "carelessly or negligently."

Sec. 2. Any person who shall build a * * * fire in or near any forest, timber or other inflammable material upon the public domain, shall, before * * * leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than one thousand dollars, or be imprisoned for a term not more than one year, or both.

Leaving fire unextinguished on the public domain.

Penalty.

NOTE.—Act of May 5, 1900, amends the above section by omitting, where indicated by stars, the words "camp fire or other" and "breaking camp or" respectively.

Sec. 3. That in all cases arising under this act the fines collected shall be paid into the public school fund of the county in which the lands where the offense was committed are situated.

NOTE 1.—By virtue of power granted to the Secretary of the Interior under Act of June 3, 1878 (20 Stat. at Large, 88) said Secretary provides, in his "rules and regulations governing the use of timber on the public mineral lands" (29 L. D. 571.): "Sec. 9. Persons felling or removing timber under the provisions of this act must utilize all of each tree cut that can be profitably used, and must dispose of the tops, brush, and other refuse in such manner as to prevent the spread of forest fires."

Disposal of tops, brush and other refuse.

NOTE 2.—Act of June 4, 1888, amending Revised Statutes Sec. 5388, provides penalty for unlawful destruction of timber on reservations of all kinds. See page 118 of this bulletin.

NOTE 3.—In addition to the wanton destruction of public timber by fire or otherwise being a criminal offense, the United States have all the common-law civil remedies, whether for the prevention or redress of injuries, which private individuals possess.

Civil remedies.

ALABAMA.

Wilfully setting fire to timber.

CODE OF ALABAMA.—*Sec. 5617.* Any person who wilfully sets fire to the woods or forest on uninclosed lands not belonging to himself, or wilfully causes fire to be communicated to such woods or forest (except during the months of February and March), must, on conviction, be fined not less than ten, nor more than two hundred dollars.

Open season.

Penalty.

Setting fire to turpentine orchard.

Sec. 5618. Any person who wilfully sets fire to any pine forest which is used for the purpose of procuring turpentine, with the intent to injure or destroy the same, must, on conviction be fined not less than one hundred nor more than one thousand dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than twelve months.

Penalty.

Negligently causing fire in timber.

Sec. 5619. Any person who negligently causes fire to be communicated to any pine forest which is used for the purpose of procuring turpentine, or to any forest belonging to another, and thereby injures or destroys the same, must on conviction, be fined not less than fifty nor more than one hundred dollars.

Penalty.

Forest fires in Sumter County.

NOTE 1.—In Local Laws of 1897, February 6, it is especially provided that no person may set fire to timber of another in Sumter County under penalty of fine not less than one hundred dollars and imprisonment at discretion of the court.

Wilcox County.

NOTE 2.—In Local Laws of 1897, Dec. 7, 1896, it is provided for Wilcox County that: Sec. 1, no person may carry a lighted torch through the woods; Sec. 2, nor leave a fire unguarded or unextinguished; Sec. 3, under penalty of a fine not less than ten nor more than fifty dollars and further liability for damages in a civil suit.

ALASKA.

Criminal punishment for forest fires.

PENAL CODE.—*Sec. 61.* If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises, to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Penalty.

ARIZONA.

Setting fire prohibited.

PENAL CODE.—*Sec. 339.* Every person, who wilfully or negligently sets on fire or causes or procures to be set on fire, any woods, grasses or grain on any lands, is guilty of a misdemeanor.

NOTE. This section is identical with section 384, of the California Penal Code, Revision of 1885, which was held not to apply to a farmer burning stubble on his own land if he was duly careful and diligent.

Garnier *v.* Porter, 90 Cal., 105.

Firing territorial lands.

Sec. 340. Any person or persons who shall wilfully and deliberately set fire to any wooded country or forest belonging to this territory, or to any place from which fire shall be communicated to any such wooded country or forest, or who shall accidentally set fire to any such wooded country or forest, or to any place from

Accidental fires.

which fire shall be communicated to any such wooded country or forest, and shall not extinguish the same or use every effort to that end, or who shall build any fire, for lawful purpose or otherwise, in or near any such wooded country or forest, and through carelessness or neglect, shall permit such fire to extend to and burn through such wooded country or forest, shall be deemed guilty of a misdemeanor, and, on conviction before a court of competent jurisdiction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by buth such fine and imprisonment; Provided, that nothing herein contained shall apply to any person who in good faith shall set a back fire to prevent the extension of a fire already burning.

Fire for lawful purposes.

Penalty.

Back fires.

ARKANSAS.

DIGEST OF STATUTES.—*Sec. 1580.* If any person shall wilfully set on fire any woods, marshes or prairies so as thereby to occasion any damage to any other person, such person shall pay a sum not less than twenty-five nor more than three hundred dollars, one-fourth thereof for the use of the person suing for the same, and the other three-fourths to the use of the county in which the offense is committed; in default of payment of such fine, he shall be imprisoned in the county jail not less than ten nor more than sixty days.

Criminal punishment for forest fires.

Penalty.

Sec. 1581. If any person shall wilfully set on fire any woods, marshes or prairies not his own, such person shall be fined in a sum not exceeding one hundred dollars, or be imprisoned in the county jail not less than ten nor more than thirty days.

Wilful setting of forest fires.

Penalty.

Sec. 1582. If any person shall wilfully set on fire any woods, marshes or prairies, whether his own or not, so as to occasion any damage to any other person, such person shall make satisfaction in double damages to the party injured, to be recovered by civil action.

Double damages to party injured.

Sec. 1583. When an offense shall be committed against this act by a hireling with the consent or by the command of his employer, such employer shall be liable in the same manner and to the same extent as if the act had been committed by himself.

Employer liable for forest fire.

Sec. 1584. If two or more persons shall wish to burn off any woods, marshes or prairies for the benefit of such neighborhood, they shall give notice of such intention to those concerned in the immediate vicinity at least one day before such burning, and if the majority of those living contiguous thereto shall consent to the same, and said persons shall use all due caution to prevent damage thereby, such persons shall not be liable to the penalty in the foregoing sections of this act.

Notice to be given of intention to burn forests.

Consent of contiguous residents.

Sec. 7362. If any person shall set on fire any grass or other combustible material within his inclosure so as to damage any other person, such person shall make satisfaction in single damages to the party injured, to be recovered by civil action in any court having jurisdiction of the amount sued for; but if any such person shall, before setting out fire, notify those persons whose farms are adjoining said place which he proposes to burn that he is going to fire such grass or other combustible matter, and shall use all due caution to prevent such fire from getting out, to the injury of any other person, he shall not be liable to pay damages as provided in this section.

Person setting fire liable in single damages.

Unless he notifies adjoining neighbors.

And uses due caution.

CALIFORNIA.

Setting fire to woods of another.

PENAL CODE.—*Sec. 384.* Every person who wilfully or negligently sets on fire, or causes or procures to be set on fire any woods, prairies, grasses or grain, on any lands not his own, is guilty of a misdemeanor, and punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both.

NOTE.—Not applicable to farmer who sets fire on his own land, which spreads to neighbor's, if due care used.
Galvin *v.* Gualala Mill Co., 98 Cal., 268.

Allowing fire to escape.

Sec. 384a. Every person who starts a fire in hay, grain, stubble, grass, weeds or woodland, without first carefully providing, by plowing or otherwise, for the keeping of such fire within and upon the premises upon which it is started or set, whereby any property of an adjoining or contiguous resident or owner is destroyed, is guilty of a misdemeanor.

Camp fires.

Sec. 384b. Every person who upon departing from a camp or camping place, wilfully or negligently leaves fire burning or unextinguished, is guilty of a misdemeanor.

Treble damages for negligent use of fire.

POLITICAL CODE, *Sec. 3344*, AND CIVIL CODE, *Sec. 3346a.* Every person negligently setting fire to his own woods, or negligently suffering fire to extend beyond his own land, is liable in treble damages to the party injured.

NOTE.—Not applicable to person burning stubble on his own land, if due care is used.
Garnier *v.* Porter, 90 Cal., 105.
Galvin *v.* Gualala Mill Co., 98 Cal., 268.

Residents to assist in controlling fires.

Sec. 3345. Whenever the woods are on fire, any justice of the peace, constable or road overseer of the township or district, where the fire exists, may order as many of the inhabitants liable to road poll tax, residing in the vicinity, as may be deemed necessary, to repair to the place of the fire and assist in extinguishing or stopping it.

Fire on public lands.

LAWS OF 1871-72, PAGE 96.—*Sec. 1.* Any person or persons who shall wilfully and deliberately set fire to any wooded country or forest, belonging to this state or the United States within this state, or to any place from which fire shall be communicated to any such wooded country or forest, or who shall accidently set fire to any such wooded country or forest, or to any place from which fire shall be communicated to any such wooded country or forest, and shall not extinguish the same or use every effort to that end, or who shall build any fire, for lawful purposes or otherwise, in or near any such wooded country or forest, and through carelessness or neglect shall permit said fire to extend to and burn through such wooded country or forest, shall be deemed guilty of a misdemeanor, and on conviction, before a court of competent jurisdiction, shall be punishable by fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall apply to any person who in good faith shall set a back fire to prevent the extension of a fire already burning. All fines collected under this act shall be paid into the county treasury for the benefit

Accidental fires.

Penalty.

Disposal of fines.

of the common school fund of the county in which they are collected.

NOTE.—In addition to the above statutes directed specifically against forest fires, an incendiary may be liable to punishment under sec. 600 of the Penal Code relating to the burning of property not the subject of arson.

COLORADO.

MILLS' ANNOTATED STATUTES.—*Sec. 1414.* Any person or persons who shall wilfully or carelessly set on fire any body of timber or prairie on any of the lands in this state, shall upon conviction thereof, be fined not less than fifty nor more than three hundred dollars, or may be imprisoned not less than 15 days nor more than three months, and may be punished by both fine and imprisonment in the discretion of the court. Setting fire to timber. Penalty.

Sec. 1415. Any person who shall set fire on any of the lands belonging to the state, or of the public domain, thereby destroying the timber or grass thereon, shall be liable to an indictment therefor, and upon conviction thereof shall be fined a sum not less than fifty dollars and not exceeding five hundred dollars, or be confined in the county jail not less than twenty days and not exceeding six months, or both fine and imprisonment, at the discretion of the court, to be paid to the county treasurer of the county in which the offense was committed and placed to the credit of the school fund of said county. Fires on state or United States lands. Penalty. Disposal of fines.

NOTE.—See also chap. 98, Laws of 1899, below, page 145 of this bulletin.

Sec. 1417. If any person shall wilfully and maliciously set on fire, or cause to be set on fire, any woods or prairie, or grounds of any description, other than his own, or shall, intentionally or by gross neglect, permit a fire, set or caused to be set by him to pass from his own grounds, to the injury of any other person or persons, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment. Malicious setting fire to timber. Penalty.

Sec. 1418. Any person who shall build a camp fire in any woods or any prairie, or on other grounds in this state, shall before or at the time of breaking and leaving such camp totally extinguish such camp fire, and, upon a failure to do so, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Camp fires.

LAWS OF 1899, CHAP. 98.—*Sec. 14.* No person shall set fire to any timber or grass belonging to this state or to the United States or set fire in any place where it is liable to spread to such timber or grass, nor leave any camp fire unextinguished, and every officer having authority in relation to timber or timber reserves of the United States shall have the same authority under this act as a deputy warden. Setting fire to State or United States timber. Reserve officials empowered to arrest.

NOTE.—The deputy warden alluded to in this section is a deputy fish and game warden. The above section is a part

of the chapter creating the department of fish and game, superseding the office of forest, fish, and game commissioner created under the law of 1897, chap. 8. See also sec. 1415, above, page 145 of this bulletin.

Leaving fires unextinguished in forests.

LAWS OF 1901, CHAP. 83.—*Sec. 10.* No open fires not sufficiently guarded to prevent spreading shall be allowed in any forest area in this state, and all live coals emptied from any stove or remaining from any open fire shall be at once and completely extinguished with water before leaving.

Camping permits.

NOTE.—Sec. 11 provides for camping permits to residents of the state, and sec. 12 to non-residents camping rights. These sections can be found in full on page 34 of this bulletin.

Arrests, how made.

Sec. 13. Game and forest wardens, the land appraisers, and all peace officers of the state, are hereby charged with the enforcement of this act, so far as it relates to fires in forest areas, and shall have full power to arrest, with or without warrant, all violators and deliver them to the nearest constable or sheriff, to be dealt with according to law.

Game and forest wardens.

NOTE 1.—The "game and forest warden" mentioned in this section apparently refers to the special game wardens, which may be appointed under the Fish and Game law, chap. 98, Laws of 1899. There are no "forest wardens" under the present statutes. Section 4 of chap. 98, Laws of 1899, after providing for the appointment of five chief and ten deputy game wardens, proceeds: "The commissioner may also appoint special game wardens, to serve without pay, who shall have the same powers as deputy wardens. The commissioner may revoke the commission of any warden, and appoint his successor at pleasure."

NOTE 2.—For sec. 14, see page 202 of this bulletin.

NOTE 3.—Sections 15, 16, 17, 18, and 19 of this act are given in full on page 34 of this bulletin.

Warning signs to be posted by county commissioners.

MILLS' ANNOTATED STATUTES.—*Sec. 795.* It shall be the duty of the Board of County Commissioners of each county in this state within thirty days after this act shall take effect, to cause to be erected in a conspicuous place, at the side of each and every traveled highway and at such places as they may deem proper, at suitable distances along the main traveled highways of their respective counties, a notice in large letters, substantially in the following form, to-wit: "Camp fires must be totally extinguished before breaking camp, under penalty of not to exceed one month imprisonment or one hundred dollars fine, or both, as provided by law. County Commissioners." The erection of such notices shall be at the expense of the respective counties; and at least ten in number of such notices shall be posted in each and every county in this state.

Penalty for destroying fire notices.

Sec. 796. Whoever shall wilfully destroy, remove, injure or deface any such notice, erected on any highway as aforesaid, or shall wilfully injure or deface any inscription or device comprising such notice, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace or court of competent jurisdiction, shall be fined not to exceed three hundred dollars, or imprisoned in the county jail not to exceed three months, or both in the discretion of the court.

Penalty.

MILLS' ANNOTATED STATUTES.—*Sec. 1515.* If any person shall set on fire any woods or prairie, so as to damage any other person, such person shall make satisfaction for the damage to the party injured, to be recovered in an action before any court of competent jurisdiction. Civil damages for forest fires.

NOTE 1.—This section relieves the plaintiff from the duty of proving defendant's negligence.
Denver and Rio Grande Rwy *v.* Henderson, 10 Colo., 2.
Same *v.* Haley, 10 Colo., 4.

LAWS OF 1903, CHAP. 83.—*Sec. 1.* The sheriff of every county shall, in addition to other duties, act as fire wardens of their respective counties in case of prairie or forest fires. Sheriff to act as fire warden.

Sec. 2. It shall be the duty of the sheriff, under-sheriffs and deputies, in case of any forest or prairie fire, to assume charge thereof, for controlling and extinguishing the same; they may call to their aid, such person or persons of their county as they may deem necessary. The county commissioners may allow the sheriff five dollars per day for such services, and the deputies not to exceed three dollars per day, and such other expenses necessarily incurred as they may deem just. In case of prairie fire. Expenses.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed. Repeal.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

CONNECTICUT.

REVISED STATUTES.—*Sec. 1218.* Every person who shall set on fire any woods, * * * so as thereby to occasion injury to another, * * * shall, if such act is done wilfully, be fined not more than two hundred dollars or imprisoned not more than six months, or both. Willful firing of timber.

Sec. 1220. No person shall kindle a fire upon public land, without authority, nor upon the land of another without permission of the owner thereof, or his agent. Fire on land not one's own.

Sec. 1221. No person shall kindle, or authorize another to kindle, a fire in his woodland, unless all combustible materials for the space of six feet surrounding the place where said fire is kindled have been removed, nor shall any such fire be left until extinguished or safely covered. Caution required in setting fires.

Sec. 1222. Fires kindled by throwing down a lighted match, cigar or other burning substance shall be deemed within the provisions of Sections 1220 and 1221, and every person violating any provision of said section shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both. Fires caused by lighted match, etc. Penalty.

NOTE.—Title 3, Chap. II, of the Revised Statutes provides for the appointment of a state fire marshal and local fire marshals. The duty of these officials is to inquire into the origin and circumstances of fires. Although this law is primarily designed to cover fires in buildings, it seems to be broad enough in its terms to include cases of forest fire. Fire marshals.

DELAWARE.

Setting fires near timber.

REVISED CODE, PAGE 946.—*Sec. 1.* From and after the passage of this act it shall not be lawful for any person to set fire to any grass, brush, or other substance, where the burning thereof will in any manner endanger any timber, either standing or felled, or other property, without first giving sufficient notice to the owners and occupiers of such timber and property, as will, enable them to take such necessary steps to guard against such damages as they may deem proper, of his intention to set fire to such grass, brush, or other substance, and using all due and necessary precaution on his part to prevent any damage or loss to the timber or property of others.

Penalty.

Sec. 2. Any person violating Sec. 1 of this act shall, upon conviction thereof, before any justice of the peace of this state, be by said justice fined any sum not exceeding twenty-five dollars and costs of prosecution, and besides, be liable in a suit for damages that may be sustained by any one on account of his failure to comply with the provisions of this act.

FLORIDA.

Malicious burning of timber.

REVISED STATUTES.—*Sec. 2430.* Whoever wilfully and maliciously burns or otherwise destroys or injures * * * any standing trees, grain, grass, or other standing product of the soil,

Penalty.

or the soil itself, of another, shall be punished by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding twelve months, or by fine not exceeding five thousand dollars.

NOTE.—The question of whether the property injured has any value cannot be raised as a defense.
Heron *v.* State, 22 Fla., 86.

Notice to be given before fire is started.

Open season.

Sec. 2527. Whosoever sets fire to or burns any wild forest, woods, lands or marshes, except between February 15 and March 31, of each year, or between the said dates without giving two days' previous notice to all persons living within one mile of the place

Penalty.

intended to be fired, shall be punished by imprisonment not exceeding sixty days, or by fine not exceeding one hundred dollars.

Santa Rosa County.

NOTE 1.—Laws of 1897, page 140 (chap. 4598), provides in sec. 1 that no wild forest may be burned in Santa Rosa County except after due notice and with due diligence and precaution under a penalty of fine not exceeding five hundred dollars and imprisonment not more than ninety days or both.

Osceola County.

NOTE 2.—Laws of 1899, page 211 (chap. 4812), provides that timber land may not be burned in Osceola County except in February or March or by the owner or his agent after due notice and with proper precautions, under a penalty of a fine of $100 to $500 or imprisonment of from 30 to 90 days, informer to receive half the fine.

HAWAII.

COMPILED LAWS.—*Sec. 197.* Whoever wilfully and maliciously burns * * * any standing trees, brush or underwood, * * * of another, is guilty of a malicious burning in the third degree, and shall be punished by imprisonment at hard labor not more than five years or by fine not exceeding five hundred dollars, in the discretion of the court.

Malicious burning of timber.

Penalty.

IDAHO.

REVISED STATUTES.—*Sec. 6921.* Any person who shall wilfully or carelessly set on fire, or cause to be set on fire, any timber or prairie lands in this territory, thereby destroying the timber, grass or grain on any such lands, or any person who shall build a camp fire in any woods or on any prairie, and leave the same without totally extinguishing such fire, or any railway company which shall permit any fire to spread from its right of way to the adjoining lands, is guilty of a misdemeanor.

Criminal punishment for timber burning.

Camp fires.

Railway companies.

NOTE.—An act to provide for the appointment of a state fish and game warden, etc., approved March 11, 1903, refers almost exclusively to fish and game protection, and is therefore not inserted.

ACT OF MAR. 11, 1903.—*Sec. 13.* For the purpose of protecting the wild game of the state it is absolutely necessary to protect the forests of the state from the ravages of fire, and it is hereby made unlawful for any person or persons to wilfully or maliciously set on fire or cause to be set on fire any timber, underbrush or grass upon the public domain, in this state, or leave or suffer fire to burn unattended near any timber, whereby such timber is set on fire, [sic] shall be guilty or a misdemeanor and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment.

Setting fire to timber prohibited.

Penalty.

Sec. 14. Any person who shall build a fire in or near any forest, timber or other inflammable material upon the public domain shall before leaving said fire, totally extinguish the same. Any person failing to do so, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as in the last section above provided.

Leaving fires unextinguished.

Sec. 15. It is hereby made the duty of the State Game warden and his deputies to see that all the provisions of this act are enforced and they are hereby given authority to arrest, without warrant, any person or persons found violating the same.

Power to arrest without warrant.

ILLINOIS.

REVISED STATUTES, CHAP. XXXVIII.—*Sec. 18.* If any person shall, at any time hereafter, wilfully and intentionally, or negligently and carelessly, set on fire, or cause to be set on fire any woods, prairies or other grounds whatsoever, he shall be fined not less than $5, nor more than $100. Provided, this section shall not extend to any person who shall set on fire or cause to be set on fire any woods or prairies adjoining his own farm, plantation or inclosure for the necessary preservation thereof, from accident by

Setting fire to timber prohibited.

Penalty.

Excepted season for setting fires.
Notice of intention to set fires.
Civil remedy.

fire, between the last day of November and the first day of March, by giving to his neighbors and the owner or occupant of such land, and any person likely to be affected thereby, two days' notice of such intention. Provided, also, this section shall not be construed to take away any civil remedy which any person may be entitled to for any injury which may be done or received in consequence of such firing.

INDIANA.

Malicious burning of timber.
Penalty.

REVISED STATUTES.—*Sec. 2025.* Whoever maliciously or wantonly sets fire to any woods, or to anything growing or being upon any prairie or grounds, not his own property; or maliciously or wantonly permits any fire to pass from his own prairie or grounds, to the injury or destruction of the property of any other person, shall be fined not more than one hundred dollars nor less than five dollars, to which may be added imprisonment in the county jail not exceeding thirty days.

IOWA.

Setting fire to timbered land.
Penalty.

CODE OF IOWA.—*Sec. 4785.* If any person wilfully, or without proper precaution, set fire to and burn, or cause to be burned, any prairie, or timbered land, or any inclosed or cultivated field, or any road, by which the property of another is injured or destroyed, he shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not more than one year, or be both so fined and imprisoned in the discretion of the court.

Letting fire escape in closed season.
Penalty.

Sec. 4786. If any person, between the first day of September in any year and the first day of March following, set fire to, burn or cause to be burned any prairie or timber land, and allow such fire to escape from his control, he shall be imprisoned in the county jail not more than thirty days, or be fined not exceeding one hundred dollars.

NOTE.—Under this section any person setting fire is liable for resulting injuries, independent of the question of negligence.

Thoburn *v.* Campbell, 80 Ia., 338.

Even in case of back firing to protect his own premises.

McKenna *v.* Baessler, 86 Ia., 197.

But where the fire was started accidentally, without intention to set any fire, there is liability in case of negligence only.

Ellsworth *v.* Ellingson, 96 Ia., 154.

KANSAS.

Leaving fire unextinguished during closed season.
Penalty.

GENERAL STATUTES.—*Sec. 2344.* Any person or persons who shall, between the first day of August and the fifteenth day of the following May, build or kindle, or engage in building or kindling any fire upon lands not his or their own, or upon land not occupied by him or them as a tenant or tenants, and leave the same unextinguished, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, nor less than two dollars, or be imprisoned in the county jail for a period not more

than one month nor less than ten days, or by both such fine and imprisonment.

NOTE.—It is evident from the time of the closed season in above law that it was passed with special reference to grass.

GENERAL STATUTES.—*Sec. 8009.* If any person shall wantonly and wilfully set on fire any woods, marshes or prairies so as thereby to occasion any damage to any other person, he shall, upon conviction, be punished by fine not exceeding five hundred dollars and not less than fifty dollars, or by imprisonment in the county jail not more than six months and not less than ten days, or by both such fine and imprisonment. Malicious burning of woodland. Penalty.

Sec. 8010. If any person shall set on fire any woods, marshes or prairies, so as thereby to occasion damage to any other person, he shall be liable to the party injured for the full amount of such damage, to be recovered by civil action. Civil liability for damage by fire.

NOTE.—This act is not applicable where the fire escapes from a railway burning its right of way.

Atchison, &c., Rwy. *v.* Dennis, 38 Kans. 424.

Under this section it is not necessary to allege or prove negligence.

Emerson *v.* Gardiner, 8 Kans. 452.

Not applicable to fires the result of unavoidable accident.

Hunt *v.* Haines, 25 Kans. 210.

Sec. 8011. Nothing in this act contained shall be so construed as to prohibit any person firing against fire, so as to protect his or her property from being destroyed. Back firing.

NOTE.—General Statutes, Sec. 3141, provides that commissioners of highways, in each township of sparsely settled counties, shall establish fire guards, which (Sec. 3142) shall be two plowed strips six feet wide along highways on section lines with the vegetation burned off in the fall of the year. Sec. 3143, for joint fire guards between townships. Sec. 3144, that road overseers shall have charge of making and maintaining such fire guards. Sec. 3145, that poll tax may be worked out on the fire guards. Sec. 3146, that road overseers may employ additional help, if necessary. Sec. 3147, that such extra helpers shall each receive $1.50 per day.

KENTUCKY.

KENTUCKY STATUTES.—*Sec. 1254.* If any person shall unlawfully set fire to any woods, fence, grass, straw, or other thing capable of spreading fire on land, he shall be fined not exceeding five hundred dollars. Setting fire to woods. Penalty.

Sec. 1255. If any person intentionally or negligently sets any woods on fire whereby damage is done to the lands or property of another, he shall be fined at the discretion of a jury. Damage to others from forest fire.

LOUISIANA.

ACTS OF 1904, PAGE 245.—*Sec. 4.* The Commissioner of Forestry shall have in charge and control the preservation of the forests of this State, and his orders shall be supreme in all matters relating to the preservation of the forests of this State and to the prevention and suppression of forest fires as hereinafter provided. The Police Jurors of the various Police Jury Wards of the parishes of Louisiana, are hereby constituted fire wardens of their Fire wardens.

respective wards in the State, and the Police Juror of any ward embracing more than one surveyed township shall appoint a fire warden for each of the surveyed townships in his ward in which he does not reside. The fire warden so appointed shall be, where possible, a resident of the surveyed township for which he is appointed.

Chief fire warden, his salary, $500.

Sec. 5. The Forest Commissioner shall appoint a competent deputy to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forest and methods by which fires may be controlled. Said chief fire warden shall receive a salary of five hundred dollars per year, and shall hold his office during the pleasure of the Forest Commissioner. He shall represent the authority of the Forest Commissioner and it shall be his duty to enforce the provisions of this act throughout the State.

Duties of chief fire warden; his powers and authority.

Sec. 6. The chief fire warden shall have general charge of the fire warden force of the State and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In case the fire warden force of any locality is deemed by said chief warden inadequate to prevent or suppress forest fires, he shall appoint temporarily needed fire wardens whose duties and authority shall be the same as herein given to Police Jurors acting as fire wardens. He shall co-operate with any police or military force of the State or of the United States Government which may be detailed to guard the State or national domain from fire; he shall investigate the extent of the forests in the State, together with the amounts and varieties of the wood and the timber growing therein, the damage done to them from time to time by forest fires and the causes of such fires, the method used, if any, to promote the regrowth of timber, and any other important facts relating to forest interests, which may be required by the Forest Commissioner. The information so gathered, with his suggestions relative thereto, shall be included in a report to be made by him annually to the Forest Commissioner.

Abstract of penalties for violations to be published and displayed.

Sec. 7. The Forest Commissioner shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the several fire wardens in the State and to all railroad companies, and it shall be the duty of said fire wardens to post up such abstract as warning placards in twelve conspicuous places in their respective districts.

Provisions for suppressing forest fires.

Sec. 8. During a dry and dangerous season, when forest fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires, and his expenses shall be paid by the State, which expenditures in one year shall not exceed five thousand dollars, to be paid for out of the general fund, upon the order of the Forest Commissioner.

Expenditures, $5,000.

Authority of fire wardens to call upon persons for assistance in emergencies.

Sec. 9. It shall be the duty of each fire warden to take precautions to prevent the setting of forest fires, and when his district is suffering or threatened with fire, to go to the place of danger to control such fires, and each forest fire warden shall have authority

to call to his assistance in emergencies any able bodied male person over eighteen years of age, and if such person refuses, without reasonable justification or excuse, to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not to exceed three months.

Authority of fire wardens to enforce the provisions of this act.

Sec. 10. The chief fire warden and the several fire wardens created by this act shall have authority to enforce the provisions of this act, and it shall be their duty to co-operate with the fire warden of any adjoining ward, and in the absence of such fire wardens to direct the work of control and extinguishment of forest fires in such ward, and to arrest, without warrant, every person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person. The fire wardens provided for in this act shall inquire into the cause of each forest fire within their wards, and shall report the same to the chief fire warden and the methods used to control or extinguish such fires and the amount of property destroyed and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require. During the more dangerous season of the year the chief fire warden may require frequent reports from the several fire wardens in this State, as to condition of forest fires and as to what is being done to control the same.

Compensation of $2 per day allowed fire wardens for actual services.

Sec. 11. Each fire warden shall receive for his actual services rendered under this act two dollars per day, two-thirds of which shall be paid by the parish where such service is performed, and one-third by the State; and any employee engaged in like service shall receive at the rate of two dollars per day, and said expenses shall also be paid, two-thirds by the parish, where such service is rendered, and one-third by the State, as hereinafter provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be approved by the police jury. The clerk of the police jury shall thereupon issue to each claimant his warrant upon the treasurer of the parish for the entire sum to which such claimant is entitled, and such treasurer shall pay the same. Such clerk shall transmit the original oath and copy of the warrant to the Auditor, who shall audit such claim, and one-third thereof shall be paid out of the State Treasury from the general revenue fund by warrant issued by the auditor, upon the State Treasurer, in favor of the parish in which the same was paid, and forward the same to the treasurer of said parish. Provided, that no fire warden shall be paid in any one year for more than ten days' service in extinguishment and preventing forest fires, nor more than five days' service in each year in posting notices and making the reports required by this act, nor, in the aggregate, for more than fifteen days' service of whatever character, in any one year; nor shall any one person employed by fire wardens to assist in extinguishing or preventing forest fires be paid for more than five days of such service in any one year. Not more than fifty dollars shall be

expended under this act in any one year in any one township in this State.

Penalty. *Sec. 12.* Any person who wilfully, negligently or carelessly sets on fire, or causes to be set on fire, any woods, whether or not on his own lands, by means whereof the property of another is injured or endangered, or any person who wilfully, negligently or carelessly suffers any fire set by himself to damage the property of another, is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the parish jail three months. Any person who maliciously sets on fire, or causes to be set on fire, any woods, whereby the property of another is destroyed or life is endangered, shall be punished with a fine of not over five hundred dollars, or be imprisoned in the State prison for a term of not over ten years, or both such fine and imprisonment.

Same. *Sec. 13.* Any person who shall kindle a fire on or dangerously near to forest lands, and leave it unquenched, or shall be party thereto, and every person who shall use other than incombustible wads for firearms, or who shall carry a naked torch, fire brand, or other exposed light in or dangerously near to forest land, causing risk of accidental fire, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the parish jail not exceeding three months.

Same. *Sec. 14.* Every person who shall wilfully deface, destroy, or remove any warning placard posted under the requirements of this act shall be liable to a fine not exceeding one hundred dollars for each offense, or imprisonment in the parish jail not exceeding three months.

NOTE 1.—Sections 1 to 3 inclusive of this act may be found on page 39 of this bulletin.

NOTE 2.—Section 15 of this act may be found on page 205 of this bulletin.

Action for damages presented. *Sec. 16.* Nothing in this act shall be construed as affecting any right of action for damages.

NOTE.—Sections 17 to 20 inclusive of this act may be found on page 39 of this bulletin.

MAINE.

Setting fire on lands of another. REVISED STATUTES, CHAP. XXVI.—*Sec. 15.* Whoever kindles a fire on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others.

Penalty. he forfeits not less than ten nor more than five hundred dollars; and, in either case, he shall stand committed until fine and costs are paid.

Malicious burning of another's timber. *Sec. 16.* Whoever with intent to injure another causes a fire to be kindled on his own or another's land whereby the property of

Penalty. any other person is injured or destroyed, shall be fined not less than twenty nor more than one thousand dollars or imprisoned not less than three months nor more than three years.

Civil liability. *Sec. 17.* Whoever for a lawful purpose kindles a fire on his own land, shall do so at a suitable time and in a careful and prudent manner; and is liable, in an action on the case, to any person injured by his failure to comply with this provision.

Fires set by lumber drivers.

Sec. 18. Persons engaged in driving lumber may kindle fires when necessary, but shall use the utmost caution to prevent them from spreading and doing damage, and if they fail so to do they are subject to all the foregoing liabilities and penalties, as if said privilege had not been allowed.

Common law liability not taken away.

Sec. 19. The common law right to an action for damages done by fire is not taken away or diminished, and it may be pursued notwithstanding the penalties here set forth, but any person availing himself of section 17 is barred of his action at common law for the damages so sued for. And no action shall be brought at common law for kindling fires in the manner described in Sec. 18; but if such fire spreads, the person who kindled it, and any person present and concerned in driving lumber, by whose act or neglect such fire is suffered to do damage, are liable, in an action on the case, for such damage.

Fires set by tramps.

REVISED STATUTES, CHAP. CXXVIII.—*Sec. 18.* If a tramp * * * kindles a fire in the highway or on the land of another without the consent of the owner or occupant * * * he shall be punished by imprisonment at hard labor in the state prison for not more than two years.

Fire wardens.

LAWS OF 1903, CHAP. 168.—(For sections 1, 2, 15, 16, 17 and 18, see chap. II of this bulletin, page 40.)—*Sec. 3.* The selectmen of towns shall be, *ex-officio*, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water or lot lines, and assign to each of their number the charge and oversight of one district as district fire warden therein. A description of each district and the name of the fire wardens thereof shall be recorded with the town clerk. The services of such selectmen acting as such fire wardens, shall be paid for at the same rate as is paid for their other official services. It shall be the duty of the fire wardens of the district in which a fire is discovered, to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any person in the territory in which he acts for assistance, and such persons shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be holden to pay for extinguishing forest fires in any year for an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with such order, he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

Fire districts and fire wardens to be recorded.

Compensation.

Duties.

Compulsory assistance and compensation therefor.

Liability of towns.

Penalty for refusing to assist fire wardens.

Fire wardens in unorganized townships.

Sec. 4. It shall be the duty of the forest commissioner to take measures for the prevention, control and extinguishment of forest fires in all plantations and unorganized townships, and to this end he shall appoint such number of forest fire wardens to patrol the forests as may be necessary to carry out the provisions of this act, assigning to each warden the territory over and within which he shall have jurisdiction. Fire wardens, so appointed,

shall hold office during the pleasure of said commissioner, be sworn to the faithful discharge of their duties by any officer authorized to administer oaths and a certificate thereof shall be returned to the office of said commissioner. Said wardens shall perform such duties, at such times and under such rules and regulations, as the commissioner may prescribe and they shall receive as compensation two dollars for each day of actual service. Whenever a fire occurs on, or is likely to do damage to, forest lands within the jurisdiction of any such fire warden, he shall take immediate action to control or extinguish the same, and for this purpose forest fire wardens are hereby authorized to summon to their assistance citizens of any county in which such fire may be, and every person so summoned and assisting shall be paid fifteen cents for each hour of service rendered by him. Immediately after the extinguishment of a fire the warden in charge shall make return, under oath, to the commissioner, of the expense thereof, including the names of the persons so summoned and assisting, with their post office addresses, and the hours of labor actually performed by each. All expense incurred under the provision of this section shall be paid from the funds appropriated to and for the use of the forest commissioner.

To be under direction of the forest commissioner.

Assistance in extinguishing fires.

Expenses to be paid from funds of forest commissioner.

NOTE.—The forest commissioner is created by sec. 1 of this act. See chap. II of this bulletin, page 40.

Camp fires to be totally extinguished.

Sec. 5. Whoever by himself or by his servant, agent or guide, or as the servant, agent or guide, of any other person, shall build a camp, cooking or other fire, in or adjacent to any woods in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of fifty dollars, provided that such fires built upon the sea beach in such situation that they cannot spread into forests woods or cultivated lands or meadows shall not be construed as prohibited by this act. One-half of any fine imposed or collected under this section shall be paid to the complainant.

Exceptions.

Informer to receive half of fine.

Fire-warning signs.

Sec. 6. It shall be the duty of selectmen in towns within thirty days after this act shall take effect to cause to be erected in a conspicuous place at the side of every highway, as they may deem proper, and at suitable distances alongside the rivers and lakes of the state frequented by camping parties, tourists, hunters and fishermen, in their respective towns, notices in large letters to be furnished by the forest commissioner, substantially in the following form: "Camp fires must be totally extinguished before breaking camp, under penalty of a fine of fifty dollars, as provided by law. Signed, ——— ———, Forest Commissioner." The forest commissioner shall furnish owners of woodlands situated within this state, when called upon so to do, notices of similar tenor to be posted at the expense of said owners upon their respective lands.

NOTE.—See also sec. 17 of this act, chap. II of this bulletin, page 40.

Firearms.

Sec. 7. All persons engaged in hunting game on any of the woodlands within any town or unincorporated place in this State,

shall use non-combustible wads in the loading of fire arms used by them.

Inquest of origin of forest fires.

Sec. 8. It shall be the duty of municipal officers in towns, and county commissioners, the latter with respect to unorganized places, to proceed immediately to a strict inquiry into the cause and origin of fires, within woodlands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

Report to forest commissioner concerning forest fires.

Sec. 9. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, and the county commissioners where a forest fire of more than one acre in extent has occurred in any of the unincorporated places in any county, within a year, shall report to the forest commissioner the extent of area burned over, to the best of their information, together with the probable amount of property destroyed, specifying the value of the timber as near as may be, and amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the causes of these fires if they can be ascertained, and the measures employed and found most effective in checking their progress. Blanks for the reports required in this act shall be furnished by the forest commissioner at the expense of the state.

Blanks to be furnished.

NOTE.—For sections 10, 11, 12, 13 and 14 of this act, see chap. IV B of this bulletin, page 206.

Game wardens made fire wardens.

LAWS OF 1891, CHAP. 108.—*Sec. 1.* Fish and game wardens are hereby made state fire wardens, and it shall be their duty, while in and about the woods, to caution all sportsmen of the danger from fires in the woods, and to extinguish all fires left burning by any one, if within their power; and to give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

Nonresidents to have guides.

LAWS OF 1899, CHAP. 42.—*Sec. 21.* It shall be unlawful for non-residents of the state to enter upon the wild lands of this state with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October, and November; provided that the provisions of this section so far as entering upon the wild lands in this state with intent to camp and kindle fires thereon while engaged in hunting or fishing shall not apply to any person or persons who, while hunting or fishing, stop at any hunting or fishing camp which is owned or under the control of any registered guide or registered camp owner.

Penalty.

Any such non-resident who shall take, catch or kill any deer, or enter upon the wild lands in this state, with intent to camp and kindle fires thereon while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, in violation of the provisions herein contained, shall be fined forty dollars and costs of prosecution for each offense and be subject to imprisonment thirty days.

MARYLAND.

Forest fires in Wicomico County.

NOTE.—Laws of 1902, chap. 518, sec. 1, provides that fires must not be kindled in Wicomico County in such a way as to destroy or injure the property of another under penalty of fine from five to one hundred dollars, with imprisonment until fine and costs are paid; but that such fine shall not interfere with the right of an injured party to proceed by a civil suit to recover damages.

MASSACHUSETTS.

Money appropriated to prevent forest fires.

REVISED LAWS, CHAP. XXV.—*Sec. 17.* A town which accepts the provisions of this section, or has accepted the corresponding provisions of earlier laws, may appropriate money for the prevention of forest fires to an amount not exceeding one-tenth of one per cent of its valuation.

Fire wards.

REVISED LAWS, CHAP. XXXII.—*Sec. 16.* Selectmen shall annually, in March or April, appoint one or more forest fire wards, or if towns having less than three hundred voters so vote, the selectmen may act as such. The engineers of fire departments in cities in which a fire department exists shall act as such.

Chief fire ward.

Sec. 17. In a town in which a forester has been appointed under the provisions of Revised Laws, sec. 14, chap. 53, he shall be the chief forest fire ward. He shall appoint a suitable number of deputy forest fire wards, one of whom, designated by him, shall be assistant chief and shall in his absence perform his duties. He may discharge such deputies and appoint others. He shall have sole control of the extinguishment of forest fires in his town, and he or his deputies shall act as forest fire wards.

Reports, warning signs.

Sec. 18. Forest fire wards shall investigate the causes of fires in woodlands and make report thereon to the mayor or selectmen. They shall post copies of this section, sections sixteen and twenty of this chapter, and section seven of chapter two hundred and eight in two or more public places in the city or town.

* * * * *

Back fires.

Sec. 19. If a fire occurs in woodland, two or more of the forest fire wards of the town, or of a town containing woodland which is endangered by such fire, who are present at a place in immediate danger of being burned over, may set back-fires and take all necessary precautions to prevent the spread of the fire.

Call out assistance.

Sec. 20. They may, if in their judgment there is danger from a forest fire, employ assistance or require any male person in their town between the ages of eighteen and fifty years to aid in its extinguishment or prevention, and may require the use of horses, wagons and other property adapted to that purpose, and shall keep an account of the time of all persons assisting them, and a schedule of all property so used.

Penalty for refusing to assist.

Sec. 21. Whoever wilfully refuses or neglects without sufficient cause, to assist, or to allow the use of his horses, wagons or other property as required by the preceding section, shall, for each offense, be punished by a fine of not less than five nor more than one hundred dollars, to be equally divided between the complainant and the town, and may also be imprisoned for not more than sixty days.

Prevention of forest fires.

Sec. 22. Forest fire wards shall take precautions to prevent the progress of forest fires or the improper kindling thereof, and upon the discovery of such fire in their town shall immediately summon the necessary assistance, proceed to the fire and extinguish it. They shall cause warnings against the setting of fires and a statement of the law relating thereto, painted in large letters on cloth furnished by the selectmen at the expense of the town, to be posted in suitable places. Whoever wilfully or maliciously tears down or destroys any such notice shall be punished by a fine of ten dollars.

Warning notices.

Penalty for destroying notices.

Payment to forest-fire wards and to their assistants.

Sec. 23. Payment shall be made to forest fire wards, to their deputies and to persons assisting them, and for property used under their direction at a forest fire, at a rate prescribed by the town, or, in default of its action thereon, by the selectmen. No such payment shall be made until an itemized account, approved by the fire wards under whose direction the work was done or assistance furnished, shall have been filed with the officer making payment.

Closed season for fires.

Sec. 24. In a town which accepts the provisions of this section or has accepted the corresponding provision of earlier laws, no fire shall be set in the open air between the first day of April and the first day of October, unless by the written permission of a forest fire ward. The fire ward shall cause public notice to be given of the provisions of this section, and shall enforce the same. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars, to be divided equally between the complainant and the town, or by imprisonment for not more than one month, or by both such fine and imprisonment.

Permission to set fires.

Penalty.

How money appropriated for fire protection to be spent.

Sec. 25. Money appropriated by a town under the provisions of section 17 of chapter 25, for the prevention of forest fires, and all fines received under the provisions of sections 21, 22 and 24 of this chapter, and section 9 of chapter 208, shall be expended by the forest fire ward, under the supervision of the selectmen, in trimming brush out of wood roads, in preparing and preserving suitable lines for back-fires, or in other ways adapted to prevent or check the spread of fires; or such town may expend any portion of such money in taking in the name of the town such woodland as the selectmen, upon the recommendation of the forester, consider expedient for the purpose of preventing forest fires. Such taking and the payment of damages therefor or for injury to property, other than by fire or back fire, shall be governed by the laws relating to the taking of land for highways.

Removing brush and preparing lines for back fires.

Taking woodland for the town.

Town forester.

REVISED LAWS, CHAP. LIII.—*Sec. 14.* In a town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, the selectmen shall, until the revocation of such acceptance, annually appoint a forester and may at any time remove him from office and fill vacancies. He shall have charge of all trees except public shade trees within the limits of a highway, or other public way or square in such town.

NOTE.—For duties of this official, see chap. XXXII, above, page 158 of this bulletin.

Malicious burning of timber.

REVISED LAWS, CHAP. CCVIII.—*Sec. 5.* Whoever wilfully and maliciously burns or otherwise destroys or injures * * * any standing tree, grain, grass, or other standing product of the soil, or the soil itself, of another, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than five hundred dollars, and imprisonment in jail for not more than one year.

Penalty.

* * * * *

Reckless firing penalized.

SEC. 7. Whoever by wantonly or recklessly setting fire to any material causes injury to, or the destruction of, any growing or standing wood of another, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Setting fires on land of another.

SEC. 8. Whoever wilfully and without reasonable care sets a fire upon land of another, whereby the property of another is injured, or whoever negligently or wilfully suffers any fire upon his own land to extend beyond the limits thereof, whereby the woods or property of another are injured, shall be punished by a fine of not more than two hundred and fifty dollars.

Penalty.

Failure to extinguish fires.

SEC. 9. Whoever in a town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws sets fire on land which is not owned or controlled by him and before leaving the same neglects to entirely extinguish such fire, or whoever wilfully or negligently sets a fire on land which is not owned or controlled by him, whereby property is endangered or injured, or whoever wilfully or negligently suffers a fire on his own land to escape beyond the limits thereof to the injury of another, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in jail for not more than one month, or by both such fine and imprisonment; and shall also be liable for all damages caused thereby. Such fine shall be equally divided between the complainant and the town.

Allowing fire to escape from own land.

Penalty.

* * * * *

Closed season for charcoal and brush burning.

SEC. 124. Whoever, between the first day of April and the first day of October, sets fire to a coal pit or pile of wood, for the purpose of charring the same, on any woodland in the cities of New Bedford or Fall River, or in the towns of Dartmouth, Freetown, Fairhaven, Middleborough or Rochester, shall forfeit one hundred dollars. Whoever, between the times aforesaid, sets fire to any brushwood or bushes on any part of such woodland, or on land adjoining thereto, so as to cause the burning of such brushwood or bushes, shall forfeit fifty dollars. All forfeitures, under the provisions of this section shall be equally divided between the city or town in which the offense is committed and the person who sues therefor.

Penalty.

Informer to receive half of fine.

MICHIGAN.

Malicious burning of timber.

COMPILED LAWS.—*Sec. 11542.* Every person who shall wilfully and maliciously burn or otherwise destroy or injure * * * any standing trees, grain, grass or other standing product of the soil, or the soil itself, of another, if such property so injured or destroyed shall be of the value of twenty-five dollars or less, shall be punished by a fine not exceeding one hundred dollars, or im-

Penalty for damage of $25 or less.

prisonment in the county jail not exceeding three months, and if such property so injured or destroyed shall be of the value of more than twenty-five dollars, such person shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Penalty for more than $25 damage.

COMPILED LAWS.—*Sec. 11653.* Every person who shall wilfully or negligently set fire to any woods, prairies or grounds, not his own property, or shall wilfully or negligently permit any fire to pass from his own woods, prairies or grounds, to the injury or destruction of the property of any other person, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; and shall also be liable to the party injured in double the amount of damages sustained.

Criminal and civil liability for setting forest fires.

Penalty.

Double damages.

NOTE.—Under this section, an injured party cannot recover, where he does nothing to protect himself, when able to do so easily.

Talley *v.* Courter, 93 Mich. 473.

Sec. 11654. Whenever the woods or prairies in any township shall be on fire, so as to endanger property, it shall be the duty of the justices of the peace, the supervisor, and the commissioners of highways of such township, and of each of them, to order such and so many of the inhabitants of such township, liable to work on the highways, and residing in the vicinity of the place where such fire shall be, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing the same, or in stopping its progress.

Calling out assistance to extinguish forest fires.

Sec. 11655. If any person shall refuse or wilfully neglect to comply with such order, he shall forfeit a sum not less than five nor more than fifty dollars.

Penalty for refusing to assist.

Sec. 11656. The township boards of the several townships of this state are hereby authorized, and it shall be their duty to prohibit the setting of forest fires or fires for the purpose of clearing lands and disposing, by burning, of refuse material or waste material within their jurisdiction whenever, in the judgment of a majority of the members of each said boards it shall be deemed necessary to prevent the spreading of such fires over the territory of such township or any part thereof. Each of such boards may make such rules and regulations as they may deem proper for the purpose of carrying this act into effect, which rules and regulations shall be published by posting notices thereof, together with a copy of this act, in five of the most public places in such township.

Township boards to fix closed seasons against setting fires.

Posting notices.

Sec. 11657. Whenever in pursuit of the authority hereby given any township board shall designate a period during which it shall be unlawful to set such fires, any person who shall be found guilty of violating the order of such board by setting any such fire in such township contrary to the provisions of any section of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the same punishment as is prescribed

Misdemeanor to set fires in closed seasons. Penalty.

in section one of this chapter (Sec. 11653): Provided, That any person desiring to dispose of refuse material by burning the same during the time prohibited by the board of such township, may do so after first procuring permission in writing, signed by the supervisor and township clerk, or by a majority of such township board, and the said supervisor and township clerk, or a majority of said board are hereby authorized to grant such permission, in their discretion, under such conditions as they may prescribe, upon application made in writing for such purpose: Provided, further, that said board is hereby authorized at any time to repeal by resolution any action theretofore taken by them under the provisions of this act.

Fire permits.

Notice to be given.

Sec. 11658. Hereafter it shall be the duty of every person residing north of parallel forty-four of north latitude before setting fire for any of the above mentioned purposes, to serve a notice in writing on every resident owner or occupant of lands or grounds immediately adjoining the tract on which such fires are to be set at least one full day previous to the setting of such fires, personally or by leaving the same at the residence of such adjoining owner or occupant, in the presence of some member of the family of suitable age and discretion, who shall be informed of the contents, and neglecting to give such notice shall be deemed prima facie evidence of negligence on the part of the person so offending.

Forest commissioner to prevent forest fires.

PUBLIC ACTS OF 1903, No. 249.—*Sec. 1.* The state land commissioner shall be forest commissioner of this state, and his orders shall be supreme in all matters relating to the preservation of the forests of this state and suppression of forest fires as hereinafter provided. The supervisors of towns, mayors of cities, and the presidents of village councils are hereby constituted fire wardens of their respective towns, cities and villages in the state, and the supervisor of any township embracing more than one surveyed township shall appoint a fire warden for each of the surveyed townships, in his town, in which he does not reside. The fire warden so appointed shall be, where possible, a resident of the surveyed township for which he is appointed.

Fire wardens.

Chief fire warden.

Sec. 2. The aforesaid forest commissioner shall appoint a competent deputy, to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forest and methods by which fire may be controlled. Said chief fire warden shall receive a salary of five hundred dollars per year and shall hold his office during the pleasure of the forest commissioner. He shall represent the authority of the forest commissioner, and it shall be his duty to enforce the provisions of this act throughout the state.

Salary.

Powers and duties.

Sec. 3. The chief fire warden shall have general charge of the fire warden force of the state, and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In case the fire warden force of any locality is deemed by said chief fire warden inadequate to prevent or suppress forest fires, he shall appoint temporarily needed fire wardens whose dutes and authority shall be the same as herein given to town supervisors acting as fire wardens. He shall co-operate with any police or military force of the United States government which may be detailed to guard the national domain from fire; he shall

Suppress fires.

Appoint temporary fire wardens.

Cooperate with other officials.

investigate the extent of the forests in the state, together with the amounts and varieties of the wood and the timber growing therein, the damage done to them from time to time by forest fires, and the causes of such fires, the method used, if any, to promote the regrowth of timber and any other important facts relating to forest interests, which may be required by the forest commissioner. The information so gathered, with his suggestions relative thereto, shall be included in a report to be made by him annually to the forest commissioner.

Investigate the extent and cause of forest fires.

Reforestation.

Annual report.

Sec. 4. The forest commissioner shall provide and officially sign an abstract of the penal laws of this act with such rules and regulations in accord therewith as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the several fire wardens in the state and to all railroad companies, and it shall be the duty of said fire wardens to post up such abstracts as warning placards in twelve conspicuous places in their respective districts.

Warning placards.

Sec. 5. During a dry and dangerous season, when forest fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires, and each forest fire warden shall have authority to call to his assistance in emergencies any able-bodied male person over eighteen years of age, and if such person refuses, without reasonable justification or excuse, to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not to exceed three months.

Calling out assistance.

Penalty for refusal to assist and for negligence of fire wardens.

Sec. 7. The chief fire warden and the several fire wardens created by this act shall have authority to enforce the provisions of this act, and it shall be their duty to co-operate with the fire warden of any adjoining district, and in the absence of such fire wardens to direct the work of control and extinguishment of such forest fires in such district, and to arrest, without warrant, every person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person. The fire wardens provided for in this act shall inquire into the causes of each forest fire within their districts, and shall report the same to the chief fire warden and the methods used to control or extinguish such fires and the amount of property destoyed, and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require. During the dangerous season of the year the chief fire warden may require frequent reports from the several fire wardens in this state, as to condition of forest fires and as to what is being done to control the same.

Duties of fire wardens.

Arrest without warrant.

Report to chief fire warden.

Frequent reports in dangerous season.

Sec. 8. Each fire warden shall receive for his actual services rendered under this act two dollars per day, two-thirds of which shall be paid by the municipality where such service is performed, and one-third by the state; and any employe engaged in like service shall receive at the rate of two dollars per day, and said expense shall also be paid, two-thirds by the municipality where such service is rendered and one-third by the state, as hereinbe-

Compensation of fire wardens.

Compensation of assistants.

fore provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be approved by the township board, city or village council as the case may be. The clerk of the board or council, as the case may be, shall thereupon issue to each claimant his warrant upon the treasurer of the municipality for the entire sum to which such claimant is entitled, and such treasurer shall pay the same. Such clerk shall transmit the original oath and copy of the warrant to the auditor general who shall audit such claim, and one-third thereof shall be paid out of the state treasury from the general revenue fund by warrant issued by the auditor general upon the state treasurer in favor of the county in which the same was paid, and forward the same to the treasurer of said county, who shall pay it over to the treasurer of the proper municipality; provided, that no fire warden shall be paid in any one year for more than ten days' service in extinguishment and preventing of forest fires, nor for more than five days' services in each year in posting notices and making the reports required by this act, nor in the aggregate for more than fifteen days' services of whatever character, in any one year; nor shall any person employed by fire wardens to assist in extinguishing or preventing forest fires be paid for more than five days of such service in any one year. Not more than fifty dollars shall be expended under this act in any one year in any city, village or surveyed township in this state.

Treasurer of municipality to pay approved bills.

Maximum payment per year.

Setting fire to timber.

Sec. 9. Any person who wilfully, negligently or carelessly sets on fire, or causes to be set on fire, any woods, grasslands or other combustible material, whether or not on his own lands, by means whereof the property of another is injured or endangered, or any person who wilfully, negligently or carelessly suffers any fire set by himself to damage the property of another is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months. Any person who maliciously sets on fire or causes to be set on fire any woods, grasslands or other combustible material, whereby the property of another is destroyed or life is endangered, shall be punished with a fine of not over five hundred dollars, or be imprisoned in the state prison for a term of not over ten years, or both such fine and imprisonment.

Penalty.

Negligent handling of fire.

Sec. 10. Any person who shall kindle a fire on or dangerously near to forest or grasslands, and leave it unquenched, or shall be a party thereto, and any person who shall use other than incombustible wads for fire arms or who shall carry a naked torch, fire brand or other exposed light in or dangerously near to forest land, causing risk of accidental fire, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months.

Wads for fire arms and naked torches.

Penalty.

Defacing signs.

Sec. 11. Every person who shall wilfully deface, destroy or remove any warning placard posted under the requirements of this act, shall be liable to a fine not exceeding one hundred dollars for each offense, or imprisonment in the county jail not exceeding three months.

Penalty.

Sec. 12. It shall be the duty of all railroad companies operating any railroad within this state to use sufficient spark arresters on all their engines, and to keep their rights of way to the width of fifty feet on each side of the center of the maintrack cleared of all combustible materials and safely dispose of the same within the limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employes to leave a deposit of fire, or live coals, or hot ashes, in the immediate vicinity of woodland, or lands liable to be overrun by fires, and where engineers, conductors and trainmen discover that fences or other materials along the right of way, or woodland adjacent to the railroad, are burning, or in danger from fire, they shall report the same promptly at the next telegraph station that they pass. In seasons of drought railway companies shall give particular instructions to their employes for the prevention and prompt extinguishment of fires, and they shall cause warning placards furnished by the forest commissioner to be posted at their stations in the vicinity of forests and grasslands, and where a fire occurs along their road they shall concentrate such help and adopt such measures as shall be available to effectively extinguish it. Any railroad company wilfully violating the requirements of this act shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than five dollars nor more than fifty dollars. But this section shall not be construed to prohibit or prevent any railroad company from piling or keeeping upon the right of way cross ties or other material necessary in the operation or maintenance of such railroad.

Precautions against fires by railroads. Spark arresters. Clearing right of way. Live coals and hot ashes. Trainmen to report fires. Posting warning notices. Penalty. Cross ties.

NOTE.—Sec. 13 provides that threshing engines must use spark arresters and look out for live coals and hot ashes at all times.

Threshing engines.

Sec. 14. Nothing in this act shall be construed as effecting any right of action for damages.

Civil actions.

Sec. 15. Woodland territory within the terms of this act shall be construed to mean forest and brushland.

Woodland defined.

NOTE.—Sec. 16 provides that money received from penalties shall go through the county treasurer to treasurer of the municipality to be used as a special fund to enforce this act. Sec. 17 provides that the forest commissioner shall make annual report to the Governor.

Disposal of fines. Annual report.

Sec. 18. This act shall apply and be in force only within the territory within this state lying north of the north line of township twenty north.

Where applicable.

MINNESOTA.

LAWS OF 1895, CHAP. 196 (As amended by Laws of 1903, Chap. 363).—*Sec. 1.* The state auditor shall be forest commissioner of this state and his orders shall be supreme in all matters relating to the preservation of the forests of this state and to the prevention and suppression of forest and prairie fires as hereinafter provided. The supervisors of towns, the mayors of cities and the presidents of village councils are hereby constituted fire wardens of their respective towns, cities and villages in the state, and the chief fire warden may appoint as fire wardens such other persons

Forest commissioner. Fire wardens.

as he may deem necessary living in or near to unorganized territory in this state, whose districts, to be known as fire districts, he may determine.

Chief fire warden.

Sec. 2. The aforesaid forest commissioner may appoint a competent deputy, to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forest and methods by which fires may be controlled. Said chief fire warden shall receive a salary of twelve hundred (1,200) dollars per year, to be paid out of the amount appropriated for forest preservation, and shall hold his office during the pleasure of the forest commissioner. He shall represent the authority of the forest commissioner, and it shall be his duty to enforce the provisions of this act throughout the state.

Salary, $1,200.

Duties of chief fire warden.

Sec. 3. The chief fire warden shall have general charge of the fire warden force of the state and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In case the fire warden force of any locality is deemed by said chief fire warden inadequate to suppress or prevent forest or prairie fires, he may appoint temporarily needed fire wardens. He shall properly divide into fire districts all unorganized territory in this state and appoint competent fire wardens therein; he shall co-operate with any police or military force of the United States government which may be detailed to guard the national domain from fire; he shall investigate the extent of the forests in the state, together with the amounts and varieties of the wood and timber growing therein, and the damage done to them from time to time by forest fires, the methods used, if any, to promote the regrowth of timber, and any other important facts relating to forest interests, which may be required by the forest commissioner. The information so gathered, with his suggestions relating thereto, shall be included in a report to be made by him annually to the forest commissioner.

Fire districts in unorganized territory.

Investigate forests and forest fires.

Annual report.

Warning notices.

Sec. 4. The forest commissioner shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith, as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the chairman of each town board of supervisors and presidents of villages, to the forest fire wardens that he has appointed, and to all railroad companies and to the chairman of each board of county commissioners in this state, and it shall be the duty of said fire wardens to post up such abstract as warning placards in conspicuous places in their respective districts, and it shall be the duty of the county commissioners of each county to cause the said abstract to be published in at least three issues of the official paper in their respective counties, during the fire-dangerous season of each year, which shall be reckoned from the fifteenth day of April to the first of November.

Posting of notices.

Publication of notices.

Fire-dangerous season.

Expenses of chief warden in fire patrol and prevention.

Sec. 5. During a dry and dangerous season, when forest and prairie fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires, and his expenses shall be paid by the state, which expenditures in one year shall not exceed five thousand dollars, to be paid for out of the general revenue fund, upon the order of the forest commissioner.

Must not exceed $5,000 per year.

Duties and powers of fire wardens. Patrol in dry season.

Sec. 6. It shall be the duty of each fire warden to take precautions to prevent the setting of forest and prairie fires, to patrol his district in a dry season, or under the direction of the chief fire warden, to employ one or more patrols, to warn against careless use of fire any person he thinks is likely to be negligent therein, and when his district is suffering or threatened with fire, to go to the place of danger to control such fire, and each forest fire warden shall have authority to call to his assistance in emergencies any able-bodied male person over eighteen years of age, and if such person refuses, without reasonable justification or excuse, to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred (100) dollars, or imprisonment in the county jail not to exceed three months.

Compulsory assistance.

Penalty for refusal to assist and for neglect of duty by fire warden.

Powers of fire wardens.

Sec. 7. The chief fire warden and the several fire wardens created or appointed under this act shall have authority to enforce the provisions of this act, and it shall be their duty to co-operate with the fire warden of any adjoining district, and in the absence of such fire warden to direct the work of control and extinguishment of forest and prairie fires in such district, and to arrest, without warrant, any person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person. Any fire warden who knows or has information of facts and circumstances which he believes can be established and which if so proven would show beyond a reasonable doubt that any person has caused a fire in violation of this act, shall immediately go before a justice of the peace and make complaint thereof. The chairmen of boards of township supervisors, presidents of villages and fire wardens appointed by the chief fire warden shall without delay inquire into the cause of each forest or prairie fire within their districts, and shall immediately report the same to the chief fire warden, and the methods used to control and extinguish such fires and the amount and value of property destroyed, and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require. During the more dangerous season of the year the chief fire warden may require frequent reports from the chairmen of township boards, or in unorganized towns from fire wardens appointed by the said chief fire warden as to condition of forest and prairie fires, and as to what is being done to prevent and control the same. Fire wardens shall promptly comply with the instructions of the chief fire warden. Where local authorities neglect to duly prosecute violations of this act, the chief fire warden shall be authorized to ferret out and prosecute such violations, and his expenses therefor, not exceeding one thousand (1,000) dollars in any one year, shall be paid out of the general revenue on approval of the state auditor and attorney general.

Cooperation.

Arrest without warrant.

Institute suits against offenders.

Investigate the cause of forest fires.

Report to chief fire warden.

Chief fire warden to ferret out offenders.

Appropriation of $1,000 for this purpose.

Compensation of fire wardens.

Sec. 8. Each fire warden shall receive for his actual services rendered under this act, two (2) dollars per day, together with payment for use of team when required in making a break to control or extinguish a fire, one-third of which shall be paid by

the county where such service is performed and two-thirds by the state; and employe engaged in like service shall receive at the rate of one and fifty one-hundredths ($1.50) dollars per day, and said expense shall also be paid, one-third by the county where such service is rendered, and two-thirds by the state, as hereinafter provided, but no such payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation before any officer qualified to administer oaths, or before any fire warden or town clerk, who are hereby authorized to administer such oaths, that such account is just and correct, which account shall be approved by the board of township supervisors, and shall be audited by the county commissioners when satisfied of the justice of the claim, and left on file with the county auditor; in case of unorganized townships, the board of county commissioners alone shall approve and audit such accounts. Any account for services under this act which the county commissioner shall fail to audit, within ninety days succeeding the second meeting of the board after the same shall have been presented, shall be deemed to have been rejected, and the plaintiff may then appeal to the district court or to the chief fire warden, and the decision of either shall be final. The appeal shall be taken in the manner as now provided for appeals from the decisions of county commissioners in respect of claims. The county auditor shall thereupon issue to each claimant his warrant upon the county treasurer for the entire sum to which the claimant is entitled, and the treasurer shall pay the same. Such county commissioner shall transmit the original oath and copy of the warrant to the state auditor, who shall audit such claim, and two-thirds thereof shall be paid out of the state treasury from the general revenue fund by warrant issued by the state auditor upon the state treasurer in favor of the county paying the same, and forward the same to the auditor of said county. Provided, that no fire warden shall be paid, in the aggregate, for more than fifteen (15) days' service, of whatever character, in any one year; nor shall any one person employed by fire wardens to assist in extinguishing or preventing forest or prairie fires be paid for more than ten (10) days of such service in any one year. No county shall expend more than five hundred ($500) dollars of public money in any one year, under this act on its own account.

Compensation of assistants.

Itemized accounts.

Appeals when accounts are rejected.

County treasurer to pay entire claim.

State shall repay two-thirds of claim.

Maximum compensation per year to fire wardens and assistants.

Sec. 9. Any person who wilfully, negligently or carelessly sets on fire any woods, prairie or other combustible material, whether or not on his own lands, by means whereof the property of another is endangered, or any person who wilfully, negligently or carelessly suffers any fire set by himself to damage the property of another, is guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred ($100) dollars or by imprisonment in the county jail not exceeding three months. Any person who maliciously sets on fire or causes to be set on fire any woods, prairie or other combustible material, whereby the property of another is destroyed and life sacrificed, shall be punished with a fine of not over five hundred ($500) dollars, or be impris-

Setting forest fires prohibited.

Penalty.

Malicious setting of fires.

oned in the state prison for a term of not over ten (10) years, or both such fine and imprisonment. Penalty.

NOTE.—Sections 10 and 11 of this act are precisely like Sections 10 and 11, page 164 above of this bulletin, in the fire law of Michigan. Sections 12 and 13 may be found on page 208 of this bulletin. Carelessness with fire and destruction of warning notices.

Sec. 14. Nothing in this act shall be construed as affecting any rights of action for damages. Civil damages.

Sec. 15. Woodland territory within the terms of this act shall be construed to mean bodies of forest and brush land. Woodland defined.

Sec. 16. All moneys received as penalties for violating any of the provisions of this act shall be paid into the county treasury of the county wherein the offense occurred, to be known as the county fire fund, and used under the direction of the county board in defraying the expenses of enforcing the provisions of this act within such county. County fire fund.

Sec. 17. The sums mentioned in Sections five (5) and seven (7) of this act, or so much thereof as shall be necessary, are hereby annually appropriated out of any money in the treasury not otherwise appropriated. Appropriation.

NOTE.—See pages 166 and 167 of this bulletin.

STATUTES OF MINNESOTA.—*Sec. 6774.* A person who wilfully sets fire to any grain, grass or growing crop, or standing timber, or to any building, fixtures or appurtenances to real property of another, under circumstances not amounting to arson in any of its degrees is punishable by imprisonment in a county jail for not more than one year. Willful firing of timber. Penalty.

MISSISSIPPI.

ANNOTATED CODE.—*Sec. 4423.* If any person shall set on fire any lands of another, or shall wantonly, negligently or carelessly allow any fire to get into the land of another, he shall be liable to the person injured thereby not only for the injury to or destruction of buildings, fences, and the like, but for the burning and injury of trees, timber and grass, and damage to the range, as well; and shall moreover be liable to a penalty of one hundred and fifty dollars in favor of the owner. Civil and criminal liability for setting fire to timber.

MISSOURI.

REVISED STATUTES.—*Sec. 1980.* If any person shall wilfully set on fire any woods, marshes or prairies not his own, or shall negligently or carelessly set out or leave fire on land or premises not his own, whereby any damage shall be done, such person shall, upon conviction, be punished by imprisonment in the county jail not exceeding twelve months, or by fine not exceeding five hundred dollars. Liability for timber burning. Penalty.

Sec. 2871. If any person shall wilfully set on fire any woods, marshes or prairies, so as thereby to occasion damage to any other person, such person shall pay a sum not exceeding five hundred dollars nor less than fifty dollars, one-half thereof for the Damages to timber from fires. Penalty.

use of the person suing for the same, and the other half to the use of the county in which the offense is committed.

NOTE.—Not applicable, where the fire escapes by unavoidable accident.

Miller *v.* Martin, 16 Mo., 508.
Catron *v.* Nichols, 81 Mo., 80.

Double damages.

Sec. 2872. If any person shall wilfully set on fire any woods, marshes or prairies, whether his own or not, so as thereby to cause any damage to any other person, such person shall make double damages to the party injured, to be recovered by civil action.

NOTE.—Does not apply, where the defendant burned a brush pile, from which the fire escaped, although a common law action for negligence might lie. The statute contemplates only a wilful firing of the woods themselves.

Kahle *v.* Hobein, 30 Mo. App. 472.
Russel *v.* Reagan, 34 Mo. App. 242.

MONTANA.

Liability for forest fires.

PENAL CODE.—*Sec. 1071.* Every person who carelessly sets fire to any timber, woodland, or grass, except for useful and necessary purposes, or who at any time makes a camp fire or lights a fire for any purposes whatever without taking sufficient steps to secure the same from spreading from the immediate locality where it is used, or fails to extinguish such fire before leaving it, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars or both.

Penalty.

Malicious burning of timber.

Sec. 1072. Every person who wantonly or designedly sets fire to any timber, woodland or grass, or maliciously fails to extinguish a fire after making the same for a necessary purpose, before leaving it, is punishable by imprisonment in the state prison not exceeding five years or by fine not exceeding five thousand dollars, or both.

Penalty.

NEBRASKA.

Setting fires to timber.

COMPILED STATUTES.—*Sec. 1703.* If any person or persons shall wilfully and intentionally, or negligently and carelessly set on fire, or cause to be set on fire, any woods, prairies or other grounds whatsoever, in any part of this state, it shall be deemed a misdemeanor, and every person so offending shall be punished by a fine of not less than five dollars nor more than one hundred dollars, and by imprisonment in the county jail for not less than one month nor more than six months: Provided, that this section shall not extend to any person who shall set on fire, or cause to be set on fire, any woods, or prairies adjoining his or her own farm, plantation, field or inclosure, for the necessary preservation thereof from accident from fire between the first day of March and the last day of November, by giving to his or her neighbor two days' notice of such intention: Provided, also, that this section shall not be construed to take away any civil remedy which any person may be entitled to, for any injury which may be done or received in consequence thereof.

Penalty.

Necessary fires.

Notice to neighbors.

Civil remedy.

NOTE.—This section applies to fires set on the lands of another, and not on one's own land.

Kansas &c. Rwy Co. *v.* Rogers, 48 Nebr., 654.

The measure of damages in action for burning trees is the value of the timber injured, not the depreciation in the value of land by reason of the fire.

Fremont &c. Rwy Co. *v.* Crum, 30 Nebr., 70.

Fire on public lands.

Sec. 3577. No person shall set fire to any timber or grass on land belonging to this state or to the United States; or set fire to any place where it is liable to spread to such timber or grass, nor leave any camp fire unextinguished.

Camp fires.

Penalty.

NOTE.—This section is part of the fish and game act. Violations of its provisions are punished under section 3610 by fine of not less than twenty-five dolars nor more than one hundred dollars, in the discretion of the court.

NEVADA.

Setting fire to timber.

COMPILED STATUTES.—*Sec. 4785.* If any person or persons, willfully and intentionally, or negligently and carelessly, set on fire, or cause or procure to be set on fire, any woods, prairies, grass or other lands or grounds in this state, every person so offending shall on conviction, before any court of competent jurisdiction be fined in any sum not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment, in the discretion of the jury trying the case: Provided, that this section shall not extend to any person or persons who shall set fire to any wood, prairie, grass or other lands adjoining their own farm house, plantation or inclosure, for the necessary preservation thereof from accident or injury by fire, by giving to his, her or their neighbors reasonable notice of such intention.

Penalty.

Necessary fires.

Notice to neighbors.

NEW HAMPSHIRE.

Fire set by tramp.

PUBLIC STATUTES, CHAP. CCLXVIII.—*Sec. 2.* If a tramp shall kindle a fire on the land of any person, without the consent of the owner or occupant thereof, * * * he shall be imprisoned not more than two years.

Malicious burning of timber.

CHAP. CCLXXVII.—*Sec. 3.* If any person shall wilfully and maliciously burn * * * any trees or underwood of another, he shall be imprisoned not exceeding three years, or be fined not exceeding one thousand dollars and be imprisoned not exceeding one year.

Penalty.

Firearms causing fires.

Sec. 4. If any person shall kindle a fire by the use of fire arms, or by any other means on lands not his own, he shall be fined not exceeding ten dollars; and if such fire spreads and does any damage to the property of others, he shall be fined not exceeding one thousand dollars or be imprisoned not exceeding three years.

Negligence in setting fires.

Sec. 5. If any person, for a lawful purpose, shall kindle a fire, upon his own land, or on land which he occupies, or upon which he is laboring, at an unsuitable time or in a careless and imprudent manner, and shall thereby injure or destroy the property of others, he shall be fined not exceeding one thousand dollars.

Penalty.

Malicious intent.

Sec. 6. If any person, with intent to injure another, shall kindle or cause to be kindled a fire on his own or another's land, and thereby the property of any other person is injured, or destroyed,

Penalty.

he shall be fined not exceeding two thousand dollars, or be imprisoned not exceeding three years.

Reward for information causing conviction of person setting fires.

Sec. 7. Whoever shall inform the prosecuting officers of the state of evidence which secures the conviction of any person who wilfully, maliciously or through criminal carelessness has caused any damage by fire in any forest, wood lot, pasture or field, shall receive from the state a reward of one hundred dollars. The state treasurer shall pay the same to the informer upon presentation of a certificate of the attorney-general or solicitor that he is entitled thereto.

Duty of selectmen.

Sec. 8. It shall be the duty of mayors of cities and selectmen of towns to prosecute all offenses arising under this chapter.

Disposal of fines.

Sec. 9. All fines provided for in this chapter shall inure, one half for the benefit of the person or persons injured, and one half to the use of the county in which the offense is committed.

Fire wardens.

LAWS OF 1893, CHAP. 44.—*Sec. 3.* The selectmen of towns in this state are hereby constituted fire wardens, of their several towns, whose duty it shall be to watch the forests, and whenever a fire is observed therein, to immediately summon such assistance as they may deem necessary, go at once to the scene of it, and, if possible, extinguish it. In regions where no town organizations exist, the county commissioners are empowered to appoint such fire wardens. Fire wardens and such persons as they may employ shall be paid for their services by the towns in which such fires occur and, in the absence of town organizations, by the county.

Compensation.

NEW JERSEY.

Setting fires in timberland.

GENERAL STATUTES, PAGE 1477.—*Sec. 1.* If any person shall wilfully set fire to, or burn, or procure or cause to be burnt, his or her own woods, marshes or meadows, or the woods, marshes or meadows in his or her tenure or possession, by means whereof any other person shall be damnified, in his or her houses, buildings, fences, woods or other property whatsoever, or shall wilfully set fire to or burn, or procure or cause to be burnt, any woods, marshes or meadows of another, whether the same be inclosed or not, such person so offending in any of the premises shall be deemed to be guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding twelve months, or both; and also shall yield and pay double damages to the party injured thereby, to be recovered by action on the case, with costs of suit, in any court having cognizance thereof. * * *

Penalty.

Double damages.

* * * * *

Calling out inhabitants to assist in extinguishing forest fires.

Sec. 3. When the woods, marshes or meadows in any part of this state shall be on fire, the justices of the peace, the constables and the overseers of the highways residing in the vicinity of said fire, and the owner or owners of such woods, marshes or meadows, their tenants, agents, superintendents, watchmen and person or persons in charge of the same shall, and they are hereby severally authorized, required and empowered, forthwith, to order such and so many of the inhabitants within their respective jurisdictions, or residing in the vicinity of said fire, as they shall severally

deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person so ordered to assist in manner aforesaid, by either one of the persons above named, shall refuse or neglect to comply with such order, he shall forfeit and pay five dollars for every refusal or neglect to obey such order, to be recovered by action of debt, with costs of suits, by the owner or owners of such woods, marshes or meadows before any justice of the peace of the county where such order or notice has been given, and the oath or affirmation of the person who shall give such order shall be sufficient evidence whereon to convict such offender, and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto for superior exertion at the extinguishment or in stopping the progress of such fires.

Assistance compulsory.

Penalty.

Reward for superior exertion at fires.

Sec. 4. If any person or persons shall burn or smoke out, or attempt to burn or smoke out, any squirrel or squirrels, or any animal or species of game whatsoever, in any woods, forests, marshes or meadows, or other lands in this state, belonging to any other person or corporation, or if fire originates from any such burning or smoking as aforesaid, by any person whatsoever, by means of which any other person or corporation shall be damnified, in his or her houses, buildings, fences, woods or other property whatsoever, whether the same be inclosed or not, such person or persons so offending in any of the premises aforesaid, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding twelve months, or both, at the discretion of the court having cognizance thereof, (one-half of said fine to be paid to the person or persons entering the complaint), and also shall yield and pay double damages to the party injured thereby, to be recovered by action on the case, with costs of suit, in any court having cognizance thereof.

Hunters using fire on timberland.

Penalty.

Informer to receive half of fine.

Sec. 5. It shall be the duty of the township committee of the several townships of this state to appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons who either willfully or otherwise cause the burning of woods and marshes, and to take measures to have such fires extinguished, where it can be done, the expense thereof to be paid out of the township treasury; provided, this act shall apply only to those townships whose woodland is equal to forty per centum of the whole area.

Fire detectives.

Payment of expenses.

GENERAL STATUTES, PAGE 1521.—*Sec. 244.* It shall and may be lawful for the township committee of any township in counties of the third and fourth class in this state, to employ any person or persons as may be necessary, to fight and extinguish forest fires, and to fix and pay to such person a just and reasonable compensation for such services, to be paid out of the funds of such township not otherwise appropriated.

Towns to employ fire fighters.

Compensation.

NOTE.—Counties of the third class are those of a population between 20,000 and 50,000, of the fourth class those with less than 20,000 inhabitants. See Gen. Stat., page 420.

Taxation for fire fund.

Sec. 245. It shall and may be lawful for any such township at the annual town meeting to designate and vote for a certain sum to be raised for the purpose aforesaid, which shall be included in the tax rate and raised as other moneys for township purposes are now raised.

Township maps.

Payment of forest fire expenses. Removal of fire marshal.

NOTE.—Sections 246 and 247 are clearly re-enacted and superseded by Sec. 1 of Laws of 1902. Sec. 249 provides for a surveying and mapping of forest lands in any township, which are subject to damage by fires; such maps to be filed with the township records and copies furnished to the fire marshal. Sec. 250 provides that all accounts and expenses, connected with forest fires, shall be paid by the township. Sec. 251 is clearly re-enacted and superseded by Sec. 2, of the Laws of 1902.

Fire marshal.

LAWS OF 1902, CHAP. 139.—*Sec. 1* (Re-enacting General Statutes, sections 246 and 247). In any city, township or other municipality where any sum of money shall be appropriated or raised to defray the expenses of preventing, fighting or extinguishing forest fires, it shall be the duty of the city council, township committee or other governing body at its next meeting after such

How appointed.

sum shall have been ordered, appropriated or raised, to appoint a suitable person, being a resident of said city, township or other municipality, to act as fire marshal thereof, and at the same time

Compensation.

to determine the amount of compensation per diem to be paid such fire marshal when in the active performance of his duties; upon notice from the person so appointed of the acceptance of said office the governing body shall issue to him a certificate of his appointment; after receiving his certificate of his appointment he shall have the power to designate one or more proper persons to

Deputy fire marshal.

act as his deputy or deputies in case of his absence or disability from any cause, and the said deputy shall, while engaged in the active duties of said office, have the same powers and duties and receive the same compensation per diem, as his chief.

Term of office.

Sec. 2 (Re-enacting General Statutes, sec. 251). The said fire marshal shall hold his office for the term of one year, and until his successor shall be appointed and accept his appointment; provided, however, that the said fire marshal shall be subject to

Removal from office.

removal from office by the body that appointed him at any time during the year, for malfeasance or neglect of the duties of his office, after having notice of the charges against him and an opportunity to be heard thereon.

Fire marshal to have power of constable.

Sec. 3. The said fire marshal, while in the active performance of his duties, shall have all the powers of a constable in criminal cases.

Duties and powers of fire marshal.

Sec. 4 (Re-enacting General Statutes, sec. 248). It shall be the duty of said fire marshal, on being apprised of the existence of any forest fire, either in his own city, township or other municipality, or in any adjoining one, by which the safety of any property in his own city, township or other municipality may be

To command fire fighters.

imperiled, to assume absolute direction and control of all operations to be undertaken within the bounds of his own city, township or other municipality for the extinguishing or prevention of

Aids to fire marshal.

the spread thereof; he shall have power during the continuance of said fire to appoint as many persons to act as aids in carrying out his instructions, as he may deem necessary, and all persons

present who are actively engaged in subduing such fire shall act solely to his orders and those of his authorized aids; he shall keep an account of the persons so appointed by him as aids and of all other persons actively engaged in fighting such fire, together with the time during which they are employed, and in a reasonable time after such fire shall have been extinguished he shall report said account to the governing body of his municipality, who shall have power to make reasonable compensation for such services out of any moneys that may have been appropriated therefor; if, in the judgment of the said fire marshal, a forest fire in an adjoining city, township or other municipality shall imperil the safety of any property in his own city, township or other municipality, he may, with his aids appointed as aforesaid, and with such other persons as he may employ, render such assistance as he may think necessary for the extinguishment and prevention of the spread of said fire, and any assistance given him in such services shall be reported to and paid for by the governing board of his own municipality in like manner as aforesaid.

To keep account of persons aiding.

To report to governing board of his municipality.

Payment of assistants.

To help fight fires in adjoining towns.

Payment for services in such case.

Sec. 5. The governing board of such city, township or other municipality shall have power, from time to time, either by ordinance or by resolution, to prescribe such other duties to be performed by the said fire marshal, and to make such regulations for the safe-keeping and disbursement of moneys appropriated for this purpose, and for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for that purpose.

Powers of governing board.

To direct the fire marshal.

Sec. 6. The said fire marshal shall make a report to the body by which he is appointed, at their first meeting after the first day of January of each year, concerning all forest fires which have occurred within his jurisdiction during the past calendar year, where and how the same originated, so far as he is able so to do, with an estimate of the number of acres burned over, and of the amount of damage occasioned thereby within his jurisdiction, together with any other matters concerning the same, and also any suggestions or recommendations as to the prevention and extinguishment of forest fires as he shall deem best.

Annual report.

Estimate of damage by fire.

Suggestions and recommendations.

Sec. 7 (Re-enacting General Statutes, page 1086). No person shall burn, or cause to be burned, any pit of charcoal, or shall wilfully or negligently set fire to or burn, or cause to be set fire to or burned, any brush, grass, leaves or other material whereby the property of any other persons is endangered or destroyed, unless he shall keep and maintain a careful and competent watchman in charge of said burning pit, brush, grass, leaves or other material, from the beginning of said fire until it is extinguished.

Charcoal burner, negligence of.

Sec. 8. Any person offending against any of the provisions of the last section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding three years, or both.

Penalty.

Sec. 9. Upon the application of not less than ten freeholders of any city, township or other municipality in which any forest fire has occurred, to the fire marshal, or, in case there shall

Investigation of origin of forest fires.

be no fire marshal, then to any constable, representing that they believe an investigation of the origin and other matters pertaining to said fire should be had, it shall be the duty of said fire marshal, or constable, to apply to some justice of the peace to investigate the same, and it shall be the duty of said justice to make such investigation; for the purpose of such investigation said justice shall have the power to issue subpœnas for and swear witnesses, and shall have like powers and duties as in the examination and hearing of persons brought before him charged with crime, and said investigation shall be conducted, as far as can be, in like manner thereto; the said fire marshal, or any canstable, shall have power to serve all subpœnas, warrants, or other papers required to be served in the course of said investigation, or of any proceedings for the arrest and commitment of any person as the result of said investigation.

Justices of the peace to investigate.

Compulsory attendance of witnesses.

Service of subpœnas.

Arrest of offenders.

Report of investigation.

Arrest of offenders.

Proceedings and costs.

NOTE.—Sec. 10 provides that the justice shall certify the result of the investigation, together with names of guilty parties, if any. Sec. 11 provides that the justice shall cause the arrest of any person against whom there is strong evidence of unlawful fire setting, examine him, and, if proper, hold him in bail for action of the grand jury; also that he may bind over the witnesses to appear and testify at the further trial of the case. Sec. 12 provides that the justice must reduce all testimony to writing and return it to the next court of quarter sessions. Sec. 13 provides that costs shall be paid as usual in criminal actions.

State contribution to fire-fighting expense.

Sec. 14. Whenever in any city, township or other municipality, there shall have been appropriated or raised in any year any sum of money to defray the expenses of preventing, fighting or extinguishing forest fires, the state comptroller shall, upon the written certificate of the governing body of such municipality, draw his warrant on the state treasurer in favor of the treasurer or other custodian of the moneys of such city, township or other municipality, for double the amount so appropriated or raised by said city, township or other municipality, for said purpose; provided, however, that the amount so to be paid out of the funds of the state to any one municipality in any one year shall not exceed the sum of two hundred dollars; and also provided, that the total amount to be so paid out of the funds of the state in any one year shall not exceed the sum of ten thousand dollars.

State to pay double amount.

But not more than $200.

Funds not to be perverted.

Sec. 15. All of said moneys, both that so appropriated or raised by the city, township or other municipality, and that so paid out of the funds of the state, shall not be transferred to any other account, but shall be used and expended for no other purpose than the prevention, fighting or extinguishing of forest fires.

NEW MEXICO.

Criminal liability for firing timber.

COMPILED LAWS.—*Sec. 1144.* Any person who shall wilfully, malignantly and maliciously set on fire, or cause to be set on fire any woods, marshes, prairies or other grounds, not his own, or shall intentionally or by neglect, permit the fire to pass his own prairie or grounds to the injury of any other person or persons; every person so offending, upon conviction thereof, before any justice of the peace of the county wherein the offense may be committed, shall be punished by a fine not less than twenty-five

Penalty.

dollars, nor more than one hundred dollars, or by imprisonment in the county jail of not less than (3) months, nor more than one year, or both such fine and imprisonment.

Damage from forest fires.

Sec. 3321. If any person shall wilfully set on fire any woods, marshes or prairies, so as thereby to occasion damages to any other person, such person shall pay a sum not exceeding five hundred dollars, nor less than fifty dollars, one-half thereof for the use of the person posecuting the same, and the other half for the use of the county in which the offense is committed.

Penalty, one-half to informer.

Double damages.

Sec. 3322. If any person shall set on fire any woods, marshes, prairies, whether his own or not, so as thereby to occasion any damage to any other person, such person shall make satisfaction in double damages to the party injured, to be recovered by civil action.

NEW YORK.

Calling out inhabitants to fight fire.

CUMMING AND GILBERT'S GENERAL LAWS, PAGE 4121.—*Sec. 82.* Whenever the woods in any town shall be on fire, it shall be the duty of the justices of the peace, the supervisors and commissioners of highways of such town, and each of them, to order such and so many of the inhabitants of such town liable to work on the highways, and residing in the vicinity of the fire, as they shall severally deem necessary, and repair to the place where such fire shall prevail, and there assist in extinguishing the same or in stopping its progress.

Malicious burning of timber.

PENAL CODE.—*Sec. 637.* A person who wilfully burns or sets fire to any grain, grass or growing crop or standing timber, or to any building, fixtures or appurtenances to real property of another, under circumstances not amounting to arson in any of its degrees, is punishable by imprisonment for not more than four years.

Sec. 413. A person who:

Setting fire to timber.

1. Wilfully or negligently sets fire to, or assists another to set fire to any waste or forest lands belonging to the state or to another person, whereby such forests are injured or endangered; or

2. Negligently sets fire to his own woods, by means whereof the property of another is endangered; or

3. Negligently suffers any fire upon his own lands to extend beyond the limits thereof; or

Refusing to assist in fire fighting.

4. Having been lawfully ordered to repair to a place of a fire in the woods, and to assist in extinguishing it, omits without lawful excuse to comply with the order; is guilty of a misdemeanor.

NOTE.—By sec. 56, Code of Criminal Procedure, exclusive jurisdiction over offenses of this character is given to the courts of special session in their respective counties, except in the city and county of New York and the city of Albany.

Chief fire warden.

GENERAL LAWS, PAGE 1507, AND FOLLOWING (As amended by Laws of 1904, chap. 590).—*Sec. 224 a.* The commission shall appoint a chief fire warden who shall receive an annual salary of fifteen hundred dollars and his necessary traveling expenses, and who shall have supervision of town fire wardens, visit and instruct them in their duties and enforce the law as to fire districts in

To commence prosecutions.

towns and under the authority of the commission commence prosecutions for violations of laws to prevent forest fires; and may

Expert foresters.

from time to time employ expert foresters at a rate not exceeding fifteen hundred dollars a year for any forester. The chief and expert foresters shall hold office during the pleasure of the commission and perform such duties for the preservation of forests as the commission shall prescribe. The commissioner may also ap-

Assistant fire wardens.

point five assistant fire wardens, at least four of whom shall during seasons of the year when forest fires occur, serve along lines of steam railroads in the forest preserve counties of the Adirondacks. They shall inspect such railroads and the engines thereon

Inspection of railroads and engines.

reporting to the commissioner the condition thereof for purposes of fire prevention, and perform such other duties in preventing forest fires as the chief fire warden or the commissioner shall direct. They shall also have the powers and duties of game protectors, and when not needed as fire wardens may be employed

Reforestation.

as game protectors or in the reforestation or as the commissioner may direct. They shall each receive an annual salary of six

Salaries and expenses.

hundred dollars and an allowance for expenses not exceeding four hundred and fifty dollars.

Fire patrol.

Sec. 224 b. Whenever in the judgment of the commissioner it is necessary to protect the forests from fire, he shall organize and

Lines of railroads.

as long as necessary maintain a fire patrol along the lines of railroads in forests in counties containing parts of the forest preserve, and at such other places in such counties as the public interest requires. Such patrol shall be organized and maintained under the chief and assistant fire wardens who shall themselves be placed in charge of sections of the exposed areas as fire patrols. Game protectors may so far as the public interest will permit, be detailed as additional assistant fire wardens for such patrol under the chief fire warden. The commissioner may also in case of immediate peril from fire with the consent of the governor, employ temporarily such additional assistants to maintain an efficient fire patrol as the public interest requires. The chief fire warden and assistant fire wardens when engaged in inspection of

Free railroad transportation.

railroad lines and engines or on fire patrol duty on railroad lines, as herein provided, shall be transported without charge from point to point as their duties shall require, by the railroad companies on whose lines such fire patrol and inspection are maintained. The commissioner shall keep account of the cost of maintaining any such fire patrol and system of inspection along the line of a railroad in the forest preserve, including therein the salaries, expenses and wages of public officers or employees

Cost of patrol along railroads.

directly engaged in maintaining such patrol for the time that the said patrol and inspection are maintained, and one-half the cost thereof during the preceding year shall be paid by the railroad company on the first day of December of each year to the com-

Fire patrol in towns.

missioner. The commissioner may also organize in any town in the forest preserve a fire patrol during the season when fires occur. One-half the expense thereof shall be a town charge, and one-half shall be paid by the state unless according to the last assessment roll of such town more than one-half of the landed property therein in value, is the property of the state in which case the state shall pay such a proportion of the cost of such

patrol as the value of the lands held by the state bears to the entire assessed valuation of such town, and the remainder shall be a town charge. If the state pay the whole amount the commissioner may collect the amount payable by any town of such town.

Fire wardens.

Sec. 225. The commission may from time to time in every town having lands which are part of the forest preserve, and may in every town having lands which would become part of the forest preserve if acquired by the state, appoint a fire warden who shall act during the pleasure of the commission. When required by the commission, such fire warden shall, and any such fire warden may establish two or more fire districts in his town. He may also by a written appointment filed in the town clerk's office, from time to time appoint a resident citizen in each district as district fire warden who shall act during the pleasure of the fire warden. In every other town the supervisor shall be fire warden by virtue of his office. If the supervisor be absent when fire occurs, or fails to act, any justice of the peace in the town may act as fire warden. If in a town situated in a county containing lands of the forest preserve, the commission is unable to find a suitable person who will accept the position of fire warden, then the supervisor of that town shall act as fire warden and discharge all the duties devolving on that office by law, and shall promptly make to the chief fire warden a report of each forest fire that occurs in his town.

Fire districts.

District fire wardens.

Supervisors and justices of the peace.

Duties of fire wardens.

Sec. 226. Under the commission a fire warden is charged with preventing and extinguishing forest fires in his town. During a season of drought a fire warden may with the approval of the commissioner, establish a fire patrol in his town. In case of fire in or threatening forest or woodland, the district fire warden if any, or if none, the fire warden, shall attend forthwith and use all necessary means to confine and extinguish the same. The fire warden may destroy fences or plow land, or in an emergency, set backfires to check fire. Either the fire warden or a district fire warden may summon any resident of his town to assist in putting out fires. Any person summoned who is physically able and refuses to assist, shall be liable to a penalty of ten dollars. An action for trespass shall not be against persons crossing or working upon lands of another to extinguish fire. In case a forest fire burn over more than an acre of land, the fire warden of the town in which it occurs shall make a report thereof to the commission, giving the area burned over, the quantity of timber, wood, logs, bark or other forest products, and of fences, bridges and buildings destroyed with an estimate of the value thereof. He shall also report the cause of such fire and the means used in putting it out.

Fire patrol.

Fire fighting.

Compulsory assistance.

Reports.

Compensation of fire wardens.

Compensation of laborers at fires.

Sec. 227. Fire wardens and district fire wardens shall receive two dollars and a half a day for time actually employed at forest fires or in the prevention thereof. Each town board of audit may fix the price to be paid per day, not exceeding two dollars, for services of laborers at forest fires in their respective towns, and serve notice thereof on their town fire wardens and on the forest, fish and game commission. If necessary, to protect land in the forest preserve the commission may direct the employment of

laborers at not exceeding two dollars a day, and such decision shall be binding on the towns. All services rendered at forest fires or in the prevention thereof shall be a town charge. In towns where fire wardens are appointed by the commission, bills for services at fires must be approved by the fire warden, and a duplicate bill with his approval and a certificate of the town board of auditors, showing the bill has been paid, filed with the commission. On approval of the bills filed with the commission, the comptroller shall pay one-half the amount so expended in such a town, to the town.

Towns to pay directly.

State to repay one-half to towns.

NOTE.—Sec. 228 may be found in chap. IV B of this bulletin, page 211.

Sec. 229 (as amended by chap. 186, Laws of 1903). Fallows, stumps, logs or fallen timber shall not be burned in the territory hereafter described from April 1 to May 31, both inclusive, or from September 16 to November 10, both inclusive. From June 16 to September 15, both inclusive, fires may be set therein if written permission of the fire warden or district fire warden of the town or district in which the fire is set has been first obtained. If in a locality near forest or woodland, the fire warden or district fire warden shall be personally persent when the fire is started. Such fires shall not be started during a heavy wind, or without sufficient help present to control the same, and the same shall be watched by the person setting the fire until put out. Any person violating any provision of this section is guilty of a misdemeanor, and in addition thereto, is liable to a penalty of three hundred dollars. This section applies to Hamilton County; to the towns of Minerva, Newcomb, North Hudson, Schroon, Keen, Jay, Lewis, North Elba, Saint Amand, and Wilmington, Essex County; the towns of Waverly, Harrietstown, Brandon, Santa Clara, Brighton, Belmont, Franklin, Duane, and Altamont, Franklin County; the towns of Hopkinton, Colton, Clifton, Fine, Edwards, Pitcairn, Clare, Russell, and Parishville, of Saint Lawrence County; the towns of Diana, Croghan, Watson, Greig, and Lyonsdale, of Lewis County; the towns of Webb, Wilmurt, Ohio, Salisbury, Remsen, and Russia, Herkimer County; the town of Forestport, Oneida County; the towns of Stratford, Caroga, Bleecker, and Mayfield, Fulton County; the towns of Day, Edinburgh, Hadley and Corinth, Saratoga County; the towns of Johnsburgh, Thurman, and Stony Creek, Warren County; the towns of Putnam, Dresden and Fort Ann, Washington County; the towns of Altona, Dannemora, Ellenburgh, Saranac, and Blackbrook, Clinton County; the towns of Deeming, Hardenburgh, Shandaken, Olive, Rochester, Wawarsing, and Woodstock, Ulster County; the towns of Neversink and Rockland, Sullivan County; the towns of Andes, Colchester, Hancock and Middletown, Delaware County; the towns of Hunter, Jewett, Lexington, and Windham, Greene County.

Burning fallows.

Season closed against burning.

Permission, how obtained.

Rules concerning starting fires.

Penalty.

Sec. 230 (as amended by Laws of 1904, chap. 590). A person who wilfully or negligently sets fire to waste or forest lands of the state or of a private person, or who suffers a fire on his own lands to extend therefrom or to state lands is guilty of a misdemeanor and may be imprisoned not more than one year and be liable to pay a fine of not more than two hundred and fifty dollars or both.

Setting fire to timber.

Penalty.

He shall also be liable to the state or any person for the damages caused by such wrongful act. If state lands in the forest preserve are or have been damaged wilfully or negligently as aforesaid, an action to recover the damages shall be maintained in the name of the people of the state on the order of the commissioner by counsel designated by him, and recovery shall be had therefor. The fact that such fire may have extended to state lands by crossing one or more tracts of land intermediate the place of setting fire and the state lands, shall not bar recovery by the state when the damage done is within five miles of the place where the fire was set. This act shall not be construed to limit the recovery in cases where there are no such intervening tracts of land.

Civil damages.

Penalty.

Sec. 231. Moneys received in the name of the people for violations of sections 204, 228, 229, and 230 of this act, shall be paid to the commission, who shall apply so much thereof as may be necessary to the payment of the expenses of collection and shall pay one-half of the balance, not exceeding in any one case fifty dollars, to the fire warden or district fire warden upon whose information the action was brought. The balance of such receipts shall be available for enforcing the various provisions of law for the protection of forests against fire.

Disposal of fines.

One-half to prosecuting fire warden.

NOTE.—Sec. 204 refers to defacing of signs in private parks.

NORTH DAKOTA.

REVISED CODE.—*Sec. 1654.* If any person shall set or cause to be set on fire any woods, marsh or prairie, or any grass or stubble lands (except in the months of July or August) except as hereinafter provided, such person or persons shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than ten nor more than one thousand dollars, and be imprisoned in the county jail for a period not exceeding six months, or either or both, at the discretion of the court, and shall also be liable in a civil action to any person damaged by such fire to the amount of such damage.

Setting fire to timber.

Penalty.

Civil liability.

NOTE.—Sec. 1655 provides for burning of grass or stubble by first plowing a strip 50 feet in width around it.

Burning stubble.

Sec. 1656. If any fire, set as provided in the last section shall by accident and without any fault or neglect of the person setting the same get beyond his control, such person shall be liable as provided in section 1654 for all damages done by such fire, but not otherwise. But if such fire is carelessly, negligently or intentionally permitted to spread beyond the bounds of such strip of land mentioned in the last section, then the person setting such fire shall be liable both civilly and criminally as provided in section 1654.

Accidental fires.

Civil liability only.

NOTE.—Sec. 1657 provides that between April 20 and June 20, fires may be set to kill grasshoppers, providing notice is given one day ahead to all residents within one and one-half miles. Sec. 1658 provides that such fires must be kept under control and extinguished the same day.

Destroying grasshoppers by fire.

Sec. 1659. Any person violating the provisions of the last section shall be liable in a civil action to any person damaged by such fire to the amount of such damage; and in case any person

Civil action for spread of fire.

Criminal liability.

shall negligently, carelessly, willfully, maliciously or intentionally violate the provisions of the last section, such person shall be liable both civilly and criminally the same as though he had violated the provisions of section 1654.

Leaving fires in timber.

Sec. 1660. If any person shall willfully, negligently or carelessly set or cause to be set on fire any woods, marsh or prairie in this state, or if any person having made any camp or other fire shall leave such fire without having thoroughly extinguished the same, so that the fire shall spread and burn any wood, marsh or prairie, the person guilty of setting or causing to be set such fire or leaving such camp or other fire without having thoroughly extinguished the same, so that the fire shall not spread therefrom, is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail not exceeding one year, or by both in the discretion of the court, and shall also be liable in a civil action to any person damaged by such fire to the amount of such damage.

Penalty.

Civil damages.
Need not prove ownership.
Fire break fund.
Tax for such fund.
Fire districts and wardens.
Making fire breaks.
Natural barriers to be used in fire breaks.
Description of fire break.
Railroads.

NOTE.—Sec. 1661 provides for collection of civil damages if fires, named in sec. 1660 injure or destroy the property of another. Sec. 1662 provides that the right to recover need be established by proving occupancy or possession only. Sec. 1663 gives county commissioners power to use the fire break fund to purchase tools for fire fighting. Sec. 1664 provides that, upon petition of 10 per cent of the voters of any county, the commissioners shall levy a tax of not more than five mills on the dollar to obtain a fire break fund and that the commissioners shall divide the county into fire districts and appoint fire wardens to make fire breaks and prevent prairie fires. Sec. 1665 provides that such fire wardens shall advertise for bids to make the fire breaks. Sec. 1666 provides that fire breaks must be made not later than June 20, and the grass thereon burned not later than September. Sec. 1667 provides that the county commissioners may take advantage of creeks, rivers or other natural or artificial barriers and of plowed fields in making their fire districts. Sec. 1668 describes a fire break as a strip of land 200 feet wide plowed on either side and burned out in the middle. Sec. 1669 provides for fire guards 100 feet wide. Sec. 1673 requires railroads to clear their rights of way of combustible material.

Criminal liability for forest fires.

REVISED CODE.—*Sec. 1674.* Each person who willfully, negligently or carelessly sets or causes to be set on fire any woods, hay, weeds, or prairie grass, shall be guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than five hundred dollars or by imprisonment in the county jail not more than one year, or by both in the discretion of the court, and shall also be liable to any person damaged by such fire to the amount of such damage.

Penalty.

Civil liability.

Damages done by fire.

Sec. 7314 (Sec. 458 of the Penal Code). Every person who shall willfully set on fire, or cause to be set on fire, any woods, marshes or prairies, with intention to injure the property of another, shall be deemed guilty of a misdemeanor and shall be liable for all damages done by such fire.

Negligence in regard to fire.

Sec. 7315 (Sec. 459 of the Penal Code). Every person who negligently or carelessly sets on fire, or causes to be set on fire, any woods, marshes or prairies, or who, having set the same on fire or caused it to be done, negligently or carelessly, or without full precaution or efforts to prevent, permits it to spread beyond his control, shall, upon conviction, be fined not exceeding one hundred

Penalty.

dollars and not less than ten dollars, and shall be liable to injured parties for all damages occasioned thereby. One-half of such fine, when collected, shall go to the informer.

OHIO.

ANNOTATED STATUTES.—*Sec. 4750.* Whenever the woods or prairies in any township are on fire, so as seriously to endanger property, the trustees of such township may order as many of the inhabitants of such township, liable to work on the highways, and residents in the vicinity of the place where such fire is, as they deem necessary, to repair to the place where such fire is and there to assist in extinguishing the same or stopping its progress; and every person called out under the provisions of this section shall be allowed, by the supervisor of his road district, to be applied on his poll or road tax, the same amount per day that he is now allowed for work on public highways. Compulsory assistance in fire fighting. Compensation.

Sec. 4751. If a person refuse or willfully neglect to comply with such order, he shall forfeit a sum not less than five nor more than fifty dollars, to be collected before any justice of the peace of the township. Penalty.

ANNOTATED STATUTES.—*Sec. 6834.* Whoever maliciously or negligently sets fire to any woods, prairies or grounds, not his own property, or maliciously permits any fire to pass from his own woods, prairies or grounds, to the injury or destruction of the property of any other person, shall be fined not more than one hundred dollars, or imprisoned not more than twenty days, or both. Setting fire to timber. Penalty.

OKLAHOMA.

STATUTES.—*Sec. 2902.* If any person shall set or cause to be set on fire any woods, marsh or prairies, or any grass or stubble lands, except as hereinafter provided, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined a sum not more than five hundred dollars nor less than ten dollars, or imprisoned in the county jail for a period not longer than six months, one or both at the discretion of the court, and shall also be liable in a civil action to any person or persons damaged by such fire to the amount of such damages. Setting fire to timber. Penalty. Civil liability.

NOTE.—Sec. 2903 provides for right to burn grass or stubble by giving twelve hours' notice to neighbors and preparing a plowed or burned strip at least twenty feet wide around the land. Sec. 2904 provides that if such fire shall unavoidably get beyond control, the person, setting the fire, shall be civilly liable as in Sec. 2902 above, but, if the fire escapes through negligence or intention, he shall be liable both civilly and criminally under section 2902. Sec. 2905 forbids the permitting a fire to spread and requires its extinguishment on the same day. Sec. 2906 provides for civil liability in case of unavoidable damage and both civil and criminal liability in case of negligence. How to burn grass and stubble. Penalties if fires spread. Same.

Sec. 2907. If any person or persons shall willfully, negligently or carelessly set or cause to be set on fire any woods, marsh or prairie in the territory, or if any person or persons having made any camp or other fire, shall leave the said fire without having Leaving fire in timber.

thoroughly extinguished the same, so that the fire shall spread and burn any wood, marsh or prairie, the person or persons guilty of setting or causing to be set such fire, or leaving such camp or other fire without having thoroughly extinguished the same, so that the fire shall spread therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars, or imprisoned in the county jail not more than one year, or by both such fine and imprisonment in the discretion of the court, and shall also be liable in a civil action to any person, persons or corporation damaged by such fire to the amount of such damages.

Penalty.

Civil liability.

NOTE.—Sec. 2908 provides that a person, allowing a fire to injure property of another, shall be liable for all damages or injury. Sec. 2900 provides that a party claiming damages for loss by such fire, need only prove occupancy and possession.

Malicious burning of trees.

STATUTES.—*Sec. 2490.* Every person who willfully burns any building not the subject of arson, any stack of grain of any kind, or of any hay, any growing or standing grain, grass, trees or fence, not the property of such person, is punishable by imprisonment in the territorial prison not exceeding four years and not less than one year, or by imprisonment in a county jail not exceeding one year.

Penalty.

Liability for damage.

Sec. 2269. Every person who shall willfully set on fire, or cause to be set on fire any woods, marshes or prairies, with intent to injure the property of another, shall be deemed guilty of a misdemeanor, and shall be liable for all damages done by such fire.

Negligence in handling fire.

Sec. 2270. Every person who negligently or carelessly sets on fire in any woods, marshes or prairies, or who, having set the same on fire or caused it to be done, negligently or carelessly, or without full precaution or efforts to prevent, permits it to spread beyond his control, shall, upon conviction, be fined not exceeding one hundred dollars, and not less than ten dollars, and shall be liable to injured parties for all damages occasioned thereby. One half of such fine shall, when collected, go to the informer.

Penalty.

Civil liability.

OREGON.

Malicious burning of timber.

CODES AND STATUTES.—*Sec. 1787.* If any person shall maliciously, with intent to injure any other person, kindle a fire on his own or the land of another person, and by means of such fire the buildings, fences, crops, or other personal property, or wooded timber lands of any other shall be destroyed or injured, he shall, on conviction, be punished by a fine not less than twenty dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, according to the aggravation of the offense.

Penalty.

Negligent burning of timber.

Sec. 1788. If any person shall without malice kindle any fire in any field, pasture, inclosure, forest, prairie or timber land not his own, without the consent of the owner, and the same shall spread and do damage to any buildings, fences, crops, cordwood, bark or other personal property, not his own, or to any wood or timber land not his own, he shall, on conviction, be punished by a fine of not less than ten dollars, nor more than one hundred dollars and

Penalty.

costs according to the aggravation of the offense, and shall stand committed until the fine and costs are paid.

Hunters using fire.

Sec. 1789. Any person who shall enter upon the land of another person for the purpose of hunting and fishing and shall without the consent of the owner of said lands kindle any fire thereon, shall be punished by a fine not less than ten dollars nor more than one hundred dollars, and if such fire be kindled maliciously and with the intent to injure any other person, such offender shall be punished by a fine not less than twenty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than three months nor more than twelve months.

Penalty.

Setting fire to public lands.

Sec. 1790. Any person or persons who shall wilfully set fire to any wooded country or forest belonging to the state or the United States, or to any person or persons, shall be deemed guilty of a misdemeanor and upon conviction before a court of competent jurisdiction shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment. Provided that nothing herein contained shall apply to any person who in good faith sets a back fire to prevent the extension of a fire already burning.

Penalty.

One half of fine to informer.

Sec. 1791. Upon any prosecution under this act one half of the fine imposed shall be paid to the person who first gives information thereof to the district attorney for the district in which the offense is committed, and the other half shall be paid ino the county treasury, for the benefit of the common school fund of the county in which said fine is collected.

Other half to county school fund.

Proclamation concerning forest fires.

Sec. 1792. It is hereby made the duty of the governor of this state, to issue a proclamation on the first day of July of each year, calling public attention to the provisions of this act and warning all persons against violating the same. It is also made the duty of each circuit judge of this state to read the provisions of this act to each grand jury when charging them as to their duties.

Judges to read this act to grand jury.

NOTE.—The act referred to in this and the preceding section is that of February 20, 1893, and contained in sections 1790, 1791 and 1792.

Malicious burning.

Sec. 1823. If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises, to the injury of another, such person, upon conviction, thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Penalty.

Fire wardens.

NOTE.—By an act of Feb. 19, 1903 (Page 140, Laws of 1903) sheriffs, deputy sheriffs and constables are made *ex officio* fire, game and fish wardens, whose duty it is among other things (sec. 2) "to enforce all statutes of the state now in force, or that may hereafter be enacted, for the protection of forests and timber lands from fire."

PENNSYLVANIA.

Civil damages for forest fires.

PEPPER AND LEWIS' DIGEST, PAGE 2118, (ACT OF APRIL 18, 1794).—*Sec. 1.* Whereas it has been represented that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing an extensive conflagration, injurious to the soil, destructive to the timber, and the infant improvements within the state: Therefore, * * * where any person or persons so offend as thereby to cause any loss, damage or injury to any other person or persons, every such person or persons so offending shall be and hereby are declared liable to make satisfaction for the same, in an action or actions on the case, to be brought by the party or parties grieved, in the court of common pleas of the county in which the offense was committed.

Practice.

NOTE.—Sec. 2 provides for the legal practice only under the above section.

Willful setting of fires in timber.

ACT OF MAR. 31, 1860.—*Sec. 140.* If any person shall wilfully set on fire, or cause to be set on fire, any woods, lands or marshes within this Commonwealth, so as thereby to occasion loss, damage or injury to any other person, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, and to undergo an imprisonment not exceeding twelve months.

Fine.

Forest fires in special counties.

NOTE.—Laws of 1869, Page 786, provides that any person who intentionally sets fire to timber land in Union county shall be liable to a fine from $50 to $500, or imprisonment from 30 days to one year, or both. Laws of 1870, page 1317, extends the above act to Schuylkill, Lehigh, Berks, Lycoming, Center, Snyder, and Luzerne counties. Laws of 1871, page 950, exempts Lycoming county from the operation of the act.

Penalty.

Criminal liability for forest fires.

LAWS OF 1879, PAGE 162.—*Sec. 1.* Any person or persons who shall wantonly and wilfully kindle any fire on the lands of another, so as to set on fire any woodlands, barrens or moors within the limits of this Commonwealth, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars and undergo an imprisonment not exceeding twelve months, or either or both at the discretion of the court; and prosecution for such offenses may be commenced at any time within two years from the commission thereof.

Penalty.

Limitation of liability.

Reward to informant.

Sec. 2. Upon the conviction of any person or persons for any of the offenses aforesaid, the commissioners of the county in which such conviction is had shall pay to the prosecutor in every such case the sum of fifty dollars out of the county treasury as a reward for the apprehension and conviction of such offender, and the defendant or defendants shall pay the same, with the costs as in other cases, into the hands of the sheriff for the use of the county, and nothing herein contained shall prevent the prosecutor from being a competent witness in the prosecution aforesaid.

Causing fires in timber land, cutting or injuring trees.

LAWS OF 1887, PAGE 287 (AS AMENDED BY LAWS OF 1891, PAGE 60).—*Sec. 3.* Any person or persons who shall wilfully or carelessly cut bark from, or otherwise cut, burn or injure any

tree, plant, shrub or sprout growing or being on any land in this Commonwealth, without the consent of the owner or owners thereof first had and obtained, or who, without such consent shall kindle or cause to be kindled a fire on any forest or timber land in this Commonweaith, or who shall carry into or over any forest or timber land any lighted candle, lamp or torch or other fire without having the same secured in a lantern or other closed vessel, or who shall discharge or set off fire works of any kind on said land or among the trees thereon, or who shall wilfully or carelessly burn or fire upon his or their own land, or that of others, any tree, brush, stubble or other combustible material, whereby fire shall be communicated to the leaves, brush or timber upon any forest or timber lands belonging to other parties, shall be subject to a penalty not exceeding one hundred dollars for each offense committed, with costs of suit: Provided, that if the defendant or defendants neglect or refuse to pay at once the penalty imposed and costs, or shall not enter sufficient bail for the payment of the same within ten days, he or they shall be committed to the common jail of said county for a period of not less than one day for each dollar of the penalty imposed * * * .

Naked torches.

Setting fire to forests.

Penalty.

NOTE.—The portion of Sec. 3 omitted and all of sections 4 and 5 treat of legal practice only.

Practice.

LAWS OF 1897, PAGE 9.—*Sec. 1.* On and after the first day of January, A. D., 1898, the constables of the various townships of the Commonwealth shall be *ex-officio* fire wardens, whose duty it shall be when fire is discovered in the forests in their respective townships, immediately to take such measures as are necessary for its extinction, and to this end to have authority to call upon any person or persons within their respective townships for assistance; the said fire wardens to receive fifteen (15) cents per hour and the persons so assisting twelve (12) cents per hour, as compensation for their services; the expense thereof shall be paid, one-half out of the treasury of the respective county, and the remaining half shall be paid by the state treasurer into the treasury of said county, out of moneys not otherwise appropriated, upon warrant from the auditor general; but no such warrants shall be drawn until the respective county commissioners have first furnished, under oath or affirmation, to the auditor general, a written itemized statement of such expense, and until the same is approved by the auditor general: Provided, that no county shall be liable to pay for this purpose, in any one year, an amount exceeding five hundred dollars.

Fire wardens.

To extinguish forest fires.

To call out assistance.

Compensation.

Limit of each county's liability.

Sec. 2. Any person who being called upon by the fire warden of his township to furnish assistance in extinguishing forest fires, as provided in Section one, shall without reasonable cause refuse to render such assistance, upon conviction thereof shall pay a fine not exceeding ten dollars, or undergo imprisonment not exceeding thirty days, or both, in the discretion of the court.

Assistance compulsory.

Penalty for refusal.

NOTE.—Section 3 is clearly reenacted and superseded by section 5, Laws of 1899, page 17, although that law does not specifically repeal any of this act, which might make it possible under this section for the court to imprison a negligent fire warden three months instead of two, as provided in section 5, below.

Forest defined.

Sec. 4. The term forest herein used shall not, for the purposes of this bill, be held to include an area of timberland or brushland of less than fifty acres in extent, unless such said area shall, by proximity to other timberland, be liable to convey fire to an area of brushland or timberland containing at least fifty acres.

NOTE.—The provisions of this act were reenacted with some modifications by the fish and game act of 1899, following. As it is not quite clear precisely how the law stands in consequence thereof, both acts are inserted.

Fire wardens.

LAWS OF 1899, PAGE 17.—*Sec. 1.* From and after the passage of this act the constables of the various wards, boroughs and townships of the Commonwealth shall be *ex-officio* fire, game and fish wardens.

Their duties.

Sec. 2. It shall be the duty of said fire, game and fish wardens to enforce all statutes of this state now in force, or that may hereafter be enacted, for the protection of forests, and timberlands from fire * * *, and said constables or wardens shall

Arrest without warrant.

have authority to arrest without warrant any person or persons caught by them in the act of violating any of the aforesaid laws for the protection of forest and timberlands, game, and food and game fish, and take such person or persons forthwith before a justice of the peace or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the mat-

Arrests on Sunday.

ter. Such arrests may be also made on Sunday, in which case the person or persons shall be taken before the proper officer and proceeded against as soon as may be on a week day following the arrest.

Rewards.

NOTE.—Section 3 refers exclusively to fish and game. Section 4 provides that, besides his regular fees and expenses, a fire warden, who procures the conviction of an offender, shall receive a reward of $10, half from the State and half from the county, except that no county shall be liable to pay more than $500 in any one year.

Returns to court of violations of the forest laws.

Sec. 5. Each of said constables or wardens shall, for the purposes of this act, have concurrent jurisdiction throughout his own proper county; and they shall in the first week of each term of the court of quarter sessions of their respective counties make special returns to said court, under oath, of all violations occurring in their respective townships or which may come or be brought to their notice, or any of the provisions of any law now in force or that may hereafter be enacted, for the protection of

Such returns compulsory.

forest and timberlands, game and fish, and it shall be the duty of the judge of said court to see that such returns are faithfully made, and any constable or warden wilfully neglecting or refusing to make such returns, or to prosecute any offense under such laws, of which he shall have personal knowledge, or of which he shall have notice in writing by any citizen, giving the name of the offender, together with the names of the witnesses, shall be

Penalty.

guilty of a misdemeanor, and upon conviction thereof be sentenced to pay a fine of fifty dollars or to undergo an imprisonment in the county jail of two months, both or either, at the discretion of the court.

LAWS OF 1897, PAGE 295.—*Sec. 1.* It shall be the duty of the commissioners of the several counties of this Commonwealth to appoint persons, under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timberlands within their respective counties, and to take measures to have such fires extinguished where it can be done; and on failure of the commissioners of any county, after demand made upon them by the Commissioner of Forestry of this Commonwealth, to comply with this provision, they shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or suffer an imprisonment not exceeding two years, or both at the discretion of the court. The expense incurred in the employment of the persons contemplated by this act, on and after the first day of January, A. D., 1898, shall be paid, one-half out of the treasury of the respective county, and the remaining half of said expense shall be paid by the state treasurer upon warrant from the auditor general; but no such warrant shall be drawn until the commissioners of the proper county shall have first furnished, under oath or affirmation, to the auditor general, a written itemized statement of such expense, and until the same is approved by the auditor general; Provided, that in no case shall the expense to the Commonwealth growing out of this act exceed five hundred dollars for a single county in any one year.

County commissioners to appoint.

Appointment compulsory.

Penalty for refusal.

Compensation of fire detectives.

Expense of county limited.

LAWS OF 1901, PAGE 119.—*Sec. 1.* When the commissioners of any county or counties fail to "appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timberlands within their respective counties," as is provided for by the act of July 15, 1897, (Laws of 1897, page 295), or when they have appointed inefficient persons to do the work aforesaid, the Commissioner of Forestry may, on the request of residents of a county in which such fires have been created, or on the request of the owner or owners of land which has been injured by the fires so created, appoint a detective or detectives, and employ an attorney or attorneys, to ferret out and bring to punishment as aforesaid those who cause the burning of timberlands; and all expenses incurred by the Commissioner of Forestry, under the operation of this act, shall be paid by the state treasurer, on warrant drawn by the auditor general, if the said bills shall be approved by the Governor and the Commissioner of Forestry; and all the fines collected shall be paid by the magistrates or by order of the court to the Commissioner of Forestry, and be paid by him to the treasurer of the Commonwealth.

Failure to appoint fire detectives.

Commissioner of Forestry to appoint.

Expenses, how paid.

Sec. 2. When conviction is obtained, under the provisions of this act, of persons or corporations causing the burning of timberlands, then the auditor general on the request of the Commissioner of Forestry, may refuse to pay the state's share of the money due to the county for the services of the person or persons appointed by the county commissioners, to ferret out and bring to punishment those who caused forest fires in the districts where such persons served as fire detectives, to make arrests and secure convictions,

State need not pay when conviction is obtained.

and for which convictions were obtained by the detectives appointed by the Commissioner of Forestry.

NOTE 1.—For fires on State forestry reservations, see section 2 of act of 1901, page 11, in chapter 11 of this bulletin, page 68.

NOTE 2.—For power of forest police with and without warrant for setting fires on State forestry reservations, see Laws of 1903, page 24, in chapter II of this bulletin, page 72.

RHODE ISLAND.

Malicious burning of timber.

GENERAL LAWS, CHAP. CCLXXIX.—*Sec. 6.* Every person who shall maliciously set or cause to be set any fire in the woods, which shall run and spread at large, shall be imprisoned not exceeding two years.

SOUTH CAROLINA.

Burning turpentine farm.

CRIMINAL CODE.—*Sec. 155.* It shall be unlawful for any person to set fire to any woods so near to any turpentine farm in this state, as to injure or burn any such farm; and whoever shall wilfully and maliciously set fire to any woods at any time, whereby such farm or farms are injured or burned, shall be adjudged guilty of a felony, and liable to be punished at hard labor in the penitentiary for the period of one year, or fined in the sum of five hundred dollars.

Setting fire to timber.

Sec. 160. Whoever shall wilfully, maliciously or negligently set fire to or burn any grass, brush or other combustible matter, so as thereby any woods, fields, fences or marshes of any other person or persons be set on fire, or cause the same to be done, or be thereunto aiding or assisting, shall, upon conviction thereof, be

Penalty.

punished by a fine of not less than five nor more than one hundred dollars, or imprisonment of not more than thirty days in the

Civil liability.

county jail, and shall moreover be liable to the action of any person who may have sustained damages thereby: Provided, that no person or persons shall be prevented from firing woods, fields, lands or marshes within his own bounds, so that he suffer not the fire to get without the bounds of his lands and injure the woods, fences or grass of his neighbor or neighbors.

Lighted torch, etc.

Sec. 161. It shall be unlawful for any person to carry a lighted torch, chunk, or coals of fire, in or under any mill or wooden building, or over and across any of the enclosed or unenclosed lands of another person at any time without the special permit of the owner of such lands, mill or wooden building, whether any damage result therefrom or not.

Penalty.

Any person upon conviction of a violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be subject to imprisonment in the county jail for a term not to exceed thirty days, or to a fine not to exceed one hundred dollars.

Compulsory assistance in fire fighting.

ACT OF 1900, PAGE 444.—*Sec. 1.* In case of forest fires occurring in any county, it shall be the duty of every member of the township boards of assessors, in whose township the fire occurs, to immediately call out, through a warner appointed by him as many persons as they may deem necessary, subject to road duty, for the purpose of extinguishing such fires.

Sec. 2. Any person refusing to obey such call, immediately upon notice, shall be subject to the same penalties as now provided in cases of refusals to work upon the public roads. Penalty for refusal.

Sec. 3. Persons so warned and working as provided in Sec. 2 of this act shall have the time he has so labored deducted from the time he is required by law to labor on public roads. Compensation of fire fighters.

SOUTH DAKOTA.

NOTE.—Political Code, sec. 1131 provides that superintendents shall make fire guards by plowing strips not less than ten feet nor more than twenty feet in width, to be situated within two rods of roads and to extend entirely around each township; also similar strips each way across the center of the township. Sec. 1132 permits entry on private lands for this purpose. Sec. 1133 provides for fire guards in unorganized areas. Sec. 1134 permits use of half of road fund to build fire guards. Sec. 1135 provides that the grass must be burned between fire guards as soon as October first. Fire guards to prevent spread of prairie fires.

POLITICAL CODE.—*Sec. 3152.* If any person or persons shall set or cause to be set on fire any woods, marsh or prairies, or any grass or stubble lands, in the months of September, October, November, December, January, February, March, April, May or June, except as hereinafter provided, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined a sum not more than one thousand dollars nor less than ten dollars, or imprisoned in the county jail a period not longer than six months, one or both at the discretion of the court, and shall also be liable in a civil action to any person or persons damaged by such fire to the amount of such damages. Setting fire to woodland. Closed season for fires. Penalty. Civil liability.

NOTE.—Sec. 3153 provides that grass may be burned if surrounded by plowed strip 50 feet wide. Sec. 3154 provides that if such fire escape and do damage unavoidably, the fire-setter shall be liable in civil damages, only, but if it escape through negligence or intention, he shall be liable both civilly and criminally as in Sec. 3152. Sec. 3155 provides that from April 20 to June 20, by giving twenty-four hours' notice to neighbors and taking necessary precautions against spread of fire, grass may be burned to destroy grasshoppers. Sec. 3156 provides further for precautions and for extinguishment of the fire on the same day. Sec. 3157 provides for civil liability in case of unavoidable damage from such fires and both civil and criminal liability in case of malicious and negligent damage. Burning grass. Burning grass to destroy grasshoppers. Civil and criminal liability.

Sec. 3158. If any person or persons shall wilfully, negligently or carelessly set or cause to be set on fire any woods, marsh or prairies in the state of South Dakota or if any person or persons having made any camp or other fire shall leave the said fire without having thoroughly extinguished the same, so that the fire shall spread and burn any wood, marsh or prairie, the person or persons guilty of setting or causing to be set such fire or leaving such camp or other fire without having thoroughly extinguished the same, so that the fire shall spread therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars, or imprisoned in the county jail not more than one year, or by both such fine and imprisonment in the discretion of the court, and shall also be Leaving fires in timber. Penalty.

Civil liability. liable in a civil action to any person or persons or corporation damaged by such fire, to the amount of such damage.

Civil liability. Evidence.

NOTE.—Sec. 3159 provides for civil action for damages for injury to any property of others through violation of Sec. 3158. Sec. 3159 provides that party injured need not show actual ownership, but merely occupation or possession of the property destroyed.

Setting fires in woodland.

PENAL CODE.—*Sec. 472.* Every person who shall wilfully set on fire, or cause to be set on fire, any woods, marshes or prairies, with intention to injure the property of another, shall be deemed guilty of a misdemeanor, and shall be liable for all damages done by such fire.

Penalty.

Negligence in using fire.

Sec. 473. Every person who negligently or carelessly sets on fire or causes to be set on fire, any woods, marshes or prairies, or who having set the same on fire, or caused it to be done, negligently or carelessly, or without full precautions or efforts to prevent, permits it to be spread beyond his control, shall upon conviction, be fined not exceeding one hundred dollars, and not less than ten dollars, and shall be liable to injured parties for all damages occasioned thereby. One-half of such fine shall, when collected, go to the informer.

Penalty.

TENNESSEE.

Notice and precaution in setting fires.

CODE OF TENNESSEE.—*Sec. 3017.* No person shall set fire to any woods not his own property, nor to his own without giving at least two days' notice to persons owning adjacent lands, and also taking effectual care to extinguish such fire before it extends beyond his own lands.

Penalty.

Sec. 3018. Any person violating the preceding section shall be guilty of a misdemeanor, and, upon conviction of such offense, shall be fined not less than five dollars nor more than fifty dollars, and shall also forfeit one hundred dollars to any person who will sue therefor; and shall also be liabe to any party injured for all damages which may accrue therefrom; and shall be punished by imprisonment in the county jail not exceeding one month, if he be a vagrant unable to pay said fine.

Reward.

Civil damages.

NOTE.—Back-firing without notice, to protect property is not prohibited by this act.
Tiller *v.* Wilson, 1 Lea, 392.

TEXAS.

Setting fire to woodland.

PENAL CODE.—*Article 774.* If any person shall wilfully or negligently set fire to, or burn, or cause to be burned, any woodland or prairie not his own, he shall be punished by fine not less than fifty nor more than three hundred dollars.

Penalty.

Setting fire to own timber.

Art. 775. The offense named in the foregoing article is complete where the person offending sets fire to his own woodland or prairie, and the fire communicates to the woodland or prairie of another.

UTAH.

REVISED STATUTES.—*Sec. 575.* The sheriff shall * * 11. Extinguish fires occurring in the undergrowth, growing trees, shrubs, or forests on the public domain, within his county. Duty of sheriffs to extinguish fires.

Sec. 4429. Every person who wilfully and maliciously burns * * * any growing or standing grain, grass or tree, not the property of such person, and exceeding in value fifty dollars, is punishable by imprisonment in the state prison for not more than ten years. Malicious burning of timber. Penalty.

Sec. 4478. Any person negligently or wilfully exposing growing trees, shrubs or undergrowth standing on the public domain to danger of destruction by fire, shall be guilty of a misdemeanor. Exposing timber to danger from fire.

Sec. 4479. Every person who maliciously or negligently sets on fire or causes or procures to be set on fire any woods, prairies, grasses or grain, on any lands, public or private, is guilty of a misdemeanor. Setting fire to timber.

VERMONT.

VERMONT STATUTES.—*Sec. 4762.* A tramp who * * * kindles a fire * * * on the lands, or in the public highway adjoining the lands, of any person between the first day of May and the first day of December, without the consent of the owner or occupant thereto * * * shall be punished by imprisonment in the state prison not exceeding two years, nor less than six months. Tramps setting forest fires. Penalty.

Sec. 4934. A person who wilfully and maliciously sets on fire, or causes to be set on fire, woods or forest so as to occasion injury to another person, shall be imprisoned in the state prison not more than five years, or fined not more than five hundred dollars. Malicious burning of timber. Penalty.

VIRGINIA.

CODE OF VIRGINIA.—*Sec. 3701.* If any person unlawfully and maliciously set fire to any woods, fence, grass, straw or other thing capable of spreading fire on lands, he shall be fined not less than five nor more than one hundred dollars, and be confined in jail not less than one nor more than six months. Maliciously setting fire to timber. Penalty.

Sec. 3702. If any person carelessly, negligently or intentionally set any woods or marshes on fire, or set fire to any stubble, brush, straw or inflammable substance capable of spreading fire on lands, whereby damage is done to the property of another, he shall be fined not less than ten nor more than one hundred dollars. Carelessly setting fire to timber. Penalty.

WASHINGTON.

CODE OF WASHINGTON.—*Sec. 6183.* If any person shall maliciously or wantonly set on fire any prairie or other grounds other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises, to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars. Setting fires. Penalty.

Malicious burning.

Sec. 6184. If any person shall maliciously, with intent to injure any other person, by himself or any other person kindle a fire on his own land or the land of any other person, and by means of such fire the buildings, fences, crops or other personal property, or wooded timberlands of any person shall be destroyed or injured, he shall, on conviction, be punished by a fine not less than twenty nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, according to the aggravation of the offense.

Penalty.

Negligent damage from fires.

Sec. 6185. If any person shall, without malice, kindle a fire in any field, pasture, inclosure, forest, prairie or timberland, not his own, without the consent of the owner, and the same shall spread and do damage to any buildings, fences, crops, cord wood, bark or other personal property not his own, or to any wood or timberland not his own, he shall, on conviction, be punished by a fine of not less than ten nor more than five hundred dollars and costs, according to the aggravation of the offense, and shall stand committed till the fine and costs are paid.

Penalty.

Hunters using fires in timberland.

Sec. 6186. Any person who shall enter upon the land of another person for the purposes of hunting or fishing and shall, by the use of fire arms or other means, kindle any fire thereon, shall be punished by a fine not less than ten nor more than five hundred dollars, if such fire be kindled without malice, and if such fire be kindled maliciously and with intent to injure any other person, such offender shall be punished by a fine not less than twenty nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months.

Penalty for carelessness.

Penalty for malice.

Fires on State and United States timberland.

Sec. 6187. Any person or persons who shall wilfully and deliberately set fire to any wooded country or forest belonging to this state or to the United States within this state, or to any place from which fire shall be communicated to any such wooded country or forest, or who shall accidentally set fire to any such wooded country or forest or to any place from which fire shall be communicated to any such wooded country or forest, and shall not extinguish the same or use every effort to that end, or who shall build any fire for lawful purposes or otherwise in or near any such wooded country or forest, and through carelessness or neglect shall permit said fire to extend to and burn through such wooded country or forest, shall be deemed guilty of a misdemeanor, and upon conviction before a court of competent jurisdiction shall be punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment. Provided, that nothing herein contained shall apply to any person who in good faith shall set a back-fire to prevent the extension of a fire already burning. All fines collected under this act shall be paid into the county treasury for the benefit of the common school fund of the county in which they are collected.

Penalty.

Back fires.

Disposal of fines.

State fire warden.

LAWS OF 1903, CHAP. 114.—*Sec. 1.* The State Land Commissioner shall be ex-officio state forest fire warden.

Deputy wardens.

Sec. 2. The county commissioners of the various counties shall constitute a county board of deputy forest fire wardens, and may appoint such deputy forest fire wardens as they may deem neces-

sary and prescribe territory to be patroled by them, and fix their compensation, and may remove them at pleasure.

Patrolmen.

Sec. 3. All state land cruisers shall be ex-officio forest patrolmen at large.

NOTE.—State land cruisers are appointed to examine and appraise state lands, etc. (See Code, sec. 3512.)

Special patrolmen.

Sec. 4. Timber cruisers and others in the employ of corporations or individuals may at the discretion of the State Forest Fire Warden be vested with the duties and powers of special forest patrolmen at large without compensation, or at the discretion of any county board of deputy forest fire wardens be vested with such powers within the limits of the county wherein such deputy forest fire wardens reside. Patrolmen, special patrolmen, fire wardens, deputy fire wardens and all police officers are hereby empowered to make arrests without warrant of persons violating this act.

Arrests without warrant.

Duties of state fire warden.

Warning signs.

Expenses, how paid.

Sec. 5. The state forest fire warden shall enforce all laws for the preservation of forests within the state, investigate the origin of all forest fires, cause to be posted not later than the month of May of each year, in all forest counties, copies of all laws and regulations for the protection of such forests. The expenses incurred in carrying out these provisions shall be met as other expenses of cruising or caring for the state lands.

Close season against fires.

Permission to set fires.

Sec. 6. It shall be the duty of all boards of deputy fire wardens to fix each year in timber counties, for their respective counties, a close season, during which no person shall burn any slashing or chopping, without first obtaining permission in writing from the county board or its duly appointed representative. Such permission shall be given only upon compliance with such regulations as the board may prescribe, one of which regulations shall be notice to all owners or tenants of adjoining lands residing thereon giving the time and place of the proposed burning.

Duties of deputy fire wardens.

Assistance in watching fires.

Sec. 7. During the close season when timber lands are in danger from fire, the deputy fire wardens shall put out or endeavor to put out, or stop the spreadng of any forest fires in their respective districts. When any person shall have obtained permission from the county board of forest fire wardens to burn a clearing or slashing made for the purpose of clearing land, he may apply to the deputy fire warden or person acting as such, who shall furnish him with a sufficient number of men to aid him in keeping the fire from spreading. Said men shall be detailed only until such time as the party burning may be able to keep the fire in control himself.

Warning notices published by county commissioners.

Expenses, how paid.

Sec. 8. In addition to the regular publication of the county commissioners' proceedings, the county commissioners, acting as such board, shall cause to be posted in all forest areas notices of warning, giving the date of the close season and all rules made by such board for the preservation of forests. All expenses incurred by counties in carrying out these provisions shall be paid as other county current expenses are paid.

Further duties of deputy fire wardens.

Sec. 9. It shall be the duty of duly appointed deputies, to patrol their districts, visit all parts of all roads and trails and frequented places and camps as often as possible; post all notices

furnished by the State Forest Fire Warden or by the county board, posting such notices on all roads, trails, frequented places and camps; warn campers or other users of fire; see that all locomotives and engines are provided with spark arresters in accordance with the law; extinguish small or smoldering fires; impress help to stop conflagrations; see that all laws for the protection of forests are enforced, and arrest and cause to be prosecuted all malicious offenders. Any person refusing to render necessary assistance when called upon for such assistance by any patrolman or deputy forest fire warden shall be punished by a fine of not less than five dollars nor more than twenty dollars, and stand committed until the fine is paid. Any person who shall wilfully or heedlessly deface, destroy or remove any warning placard or notice posted under the requirements of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars for each offense, or by imprisonment in the county jail not exceeding three months.

Compulsory asistance.

Penalty for refusal to assist.

Penalty for destroying warning notices.

Setting fire to timber.

Sec. 10. Any person who shall on any land within this state set and leave any fire that shall spread and damage or destroy property of any kind not his own shall be punished by a fine of not less than ten nor more than five hundred dollars. If such fire be set or left maliciously, whether on his own or other lands, with intent to destroy property not his own, he shall be punished by a fine of not less than twenty nor more than one thousand dollars, or imprisonment of not less than one month or more than one year, or by both such fine and imprisonment, and shall be liable for damages in civil suit. All fines collected under this act shall be paid into the county treasury. This section shall not apply to backfires reasonably set for the saving of life and property. During the close season, any person who shall kindle a fire on land not his own, in or dangerously near any forest, and leave same unquenched, or who shall be party thereto, or who shall by throwing away any lighted cigar, matches, or by the use of fire arms or in any other manner, start a fire upon forest lands not his own and leave same unquenched, shall upon conviction be fined not less than ten nor more than one hundred dollars, or be imprisoned in the county jail not exceeding two months.

Malice.

Penalty.

Civil liability.

Fires in close season.

Fires from negligence.

Penalty.

NOTE.—Section 11 may be found on page 214 of this bulletin.

Burning stumps, etc., with precaution.

Sec. 12. Nothing in this act shall be construed to prevent any person owning land, or person or persons employed by him from burning stumps, logs, drift or brush heaps, when such are burned in small quantities, isolated from other inflammable material, under personal supervision and such other safeguards as shall prevent said fire from spreading.

WEST VIRGINIA.

Malicious firing of timber.

CODE, CHAP. CXXXXV.—*Sec. 8.* If any person unlawfully and maliciously set fire to any woods, fence, grass, straw or other thing capable of spreading fire on lands, he shall be fined not exceeding one hundred dollars, and confined in jail not less than two nor more than twelve months, and shall moreover be liable to any

Penalty.

person injured thereby, or in consequenece thereof, for double the amount of damages sustained by such person. Double damages.

Sec. 9. If any of the acts mentioned in the next preceding section be done unlawfully, but not wilfully or maliciously, the person guilty thereof shall be fined not exceeding fifty dollars, and shall moreover be liable to any person injured thereby, or in consequence thereof, for all such damages as may be sustained by such person. Negligent firing of timber. Penalty. Single damages.

WISCONSIN.

WISCONSIN STATUTES.—*Sec. 1636.* Whenever the supervisors of any town shall be satisfied that the burning of grass, stubble, logs or brush on any lands therein will be a source of public danger, they shall make an order in writing, which shall be signed by them, prohibiting the burning thereof on any such lands, during such period as they shall deem best for the public interest, which order shall be revoked by them as soon as the cause for making it shall cease to exist. Such order shall be published at least once, in a newspaper published in such town, if one be published therein, and if not, it shall be posted in three of the most public places therein at least three days before it shall be in force. Like notice shall be given of the revocation of the order, and such revocation shall be effectual from the time notice of it is given. Any person who shall violate any such order shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or by both fine and imprisonment. Close season against fires. Publication. Penalty for violation.

Sec. 1636-b (As amended by sec. 3, chap. 450, Laws of 1903). The superintendent of state forests shall be ex-officio forest warden of the state. It shall be the duty of said superintendent to see that the provisions of law for the prevention or extinguishment of forest or marsh fires, and for the protection of the public lands from trespass thereon are faithfully executed, and for that purpose to formulate all necessary and proper regulations for the government of the several fire wardens, and trespass agents, and to supervise them in the performance of their duties. Whenever the superintendent of state forests, or any officer of the department of state forests, or any fire warden, or any trespass agent, shall have good reason to believe that an offense has been committed by any person or persons against any of such provisions, it shall be his duty to cause the arrest of the party suspected of such offense, and he shall immediately notify the attorney general or district attorney of the proper county thereof, and it shall be the duty of the attorney general or such district attorney to prosecute such person or persons. Forest warden. To enforce fire laws. To make regulations. To arrest offenders. District attorney to prosecute.

Sec. 1636-c (As amended by sec. 4, chap. 450, Laws of 1903). The superintendent of state forests shall appoint one or more fire wardens in each town of each of the following counties: Ashland, Barron, Burnett, Bayfield, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Oconto, Marinette, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washington, and Wood; Provided, that he may appoint fire wardens in any other town in any Fire wardens. Other fire wardens.

county in the state upon being requested to do so by the town board of supervisors of such town. Every warden shall before entering upon the duties of his office take and subscribe an oath of office and file the same with the forest warden. He shall take all necessary precautions to prevent the improper setting or progress of fires in his or adjoining towns within eighty rods of the line of his town when the fire warden of the adjoining town is unable or unwilling to do so, and shall, when credibly informed that a fire has een improperly set or allowed to burn in any territory within his jurisdiction, take such steps as shall be necessary to prevent the spread of, and in all proper cases to extinguish the fire. He may summon any resident of his town or the immediate vicinity of the fire to assist him in so doing, and when such summons is reasonable it shall be the duty of the person summoned to render such assistance. The fire warden and the person so summoned shall receive a reasonable compensation for their services in carying out the provisions of this and succeeding sections, not to exceed twenty-five cents per hour for the time actually employed, to be paid out of the treasury of the town where such fire shall occur and in which such service shall be rendered, and which accounts shall be audited and paid as other accounts; but the total of such accounts shall not exceed one hundred dollars for each thirty-six (36) sections, in any one year, in any one town. Any fire warden who shall refuse to carry out the provisions of this section, or any person who shall refuse when called upon by the fire warden to render any reasonable assistance, shall be punished by a fine of not more than ten dollars, and the costs of the prosecution, or by imprisonment in the county jail not more than ten days, or both fine and imprisonment.

To prevent and suppress forest fires.

Compulsory assistance.

Compensation.

Limit of expense.

Penalty for negligence or refusal to assist.

Warning signs.

Sec. 1636-d (As amended by sec. 5, chap. 450, Laws of 1903). Every fire warden shall cause to be conspicuously posted in such parts of his town where fires are most likely to occur, any and all notices which shall be furnished to him by the superintendent of state forests, for that purpose, and shall receive therefor from his town such reasonable compensation as the town board of supervisors shall allow him, not exceeding twenty-five cents per hour and shall report to the said superintendent on or before the first day of each November, upon suitable blanks provided by the superintendent of state forests for that purpose, and also at such other times as the said superintendent may request, all fires which have occurred, been extinguished or prevented from doing any damage in his town, and any and all violations of the provisions of law relating thereto, and all other facts required, and the said superintendent of state forests shall report a summary of said facts to the board of state forest commissioners, on or before the first day of December of the year of each general election.

Annual reports from fire wardens.

Report from chief fire warden.

LAWS OF 1901, CHAP. 408.—*Sec. 2.* The state fish and game warden appointed under the provision of Sec. 1498, Statutes of 1898, all special deputy wardens appointed under the provisions of 1498-a, and all county wardens appointed under 1498-b, Statutes of 1898, and acts amendatory thereof, are hereby appointed and created fire wardens within the meaning and under the provisions

Fish and game wardens to be fire wardens.

of this act. No compensation shall be paid fish and game wardens acting as fire wardens under the provisions of this act, other than that received as game wardens. No further compensation.

NOTE.—The sections mentioned in above section are part of the general fish and game act.

Sec. 3. [Deputy fish and game wardens] * * * shall also promptly make report concerning forest fires and any trespasses upon the public lands that may come to their knowledge. Report of fires and trespass.

WISCONSIN STATUTES.—*Sec. 4405-a.* Whenever the fire warden of any town becomes convinced that a dangerously dry time exists in its vicinity and that it is imprudent to set fires upon any land, he shall post or cause to be posted a notice in three public places in such town forbidding the setting of such fire therein, and after the posting of such notice no person shall set any fire upon any land in said town, except for warning the person, or cooking food, until written permission has been received from one of the fire wardens of said town. All persons who start camp fires shall exercise all reasonable precautions to prevent damage therefrom, and shall entirely extinguish the same before leaving them. Every person violating any provision of this section shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than six months, for each offense. Close season against fires. Camp fires permitted. Precautions for camp fires. Penalty.

Sec. 4406. Any person who shall build a fire on any lands in this state not his own or under his control, except as hereinafter provided, shall, before leaving it totally extinguish it, and upon failure to do so shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Any person who shall wilfully or negligently set fire to or assist another to set fire on any land, whereby such land is injured or endangered, or shall wilfully or negligently suffer any fire upon his own land to escape beyond the limits thereof, to the injury of the land of another, shall be punished as hereinbefore provided, and be liable to the person injured for all damage that may be caused by the fire. Extinguishing fires. Penalty. Malicious setting of fires. Penalty. Civil liability.

WYOMING.

REVISED STATUTES.—*Sec. 920.* If any person or persons shall wilfully or negligently set on fire any woods, prairies or other grass lands, such person shall be deemed guilty of a crime and shall upon conviction thereof, pay a sum not exceeding five hundred dollars each, nor less than one hundred dollars, and be imprisoned not more than six months nor less than thirty days, and said fine shall go to the school fund of the county, in which said offense was committed. Setting fire to timber. Penalty. Disposal of fines.

Sec. 921. If any person or persons shall set on fire any woods, prairies or other grass lands, either wilfully or negligently, so as thereby to occasion damage to any other person or persons, such person or persons first named shall make satisfaction for such damages to the party injured, to be recovered in an action. Setting fires which cause injury. Civil liability.

Sec. 922. Nothing contained in the two preceding sections shall be construed as to prevent any person from firing against fires so Lawful fires. Back fires.

as to protect property from being destroyed. Nor shall the said sections be construed to apply to any person who may in the months of March, April, and October set fire to the grass land and sage brush upon his own land, or upon the public land unclaimed and unoccupied, which fire he shall keep within proper control and prevent it from doing injury or damage to property of others; but should the property of others be injured by said setting on fire, it shall be prima facie evidence of negligence.

Grass and sagebrush.

Injury prima facie evidence of negligence.

REVISED STATUTES.—*Sec. 4976.* Whoever maliciously or wantonly sets fire to any woods, or to anything growing or being upon any prairie or grounds, not his own property; or maliciously or wantonly permits any fire to pass from his own prairie or grounds, to the injury or destruction of any property not his own, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding thirty days.

Malicious burning of timber.

Penalty.

CHAPTER IV B.

STATUTES RELATING TO FOREST FIRES CAUSED BY RAILWAYS.

COLORADO.

MILLS' ANNOTATED STATUTES.—*Sec. 516.* Every railroad corporation operating its line of road, or any part thereof, within this state shall be liable for all damages by fire that is set out or caused by operating any such line of road, or any part thereof, and such damages may be recovered by the party damaged, by the proper action in any court of competent jurisdiction. Provided, the said action be brought by the party injured within three years next after the said damage shall have been inflicted or caused. Railroads liable for forest fires.

NOTE.—This section makes it unnecessary for the plaintiff to prove negligence.

Denver and Rio Grande Rwy. *v.* Henderson, 10 Colo., 2
Same *v.* Haley, 10 Colo., 4.

NOTE.—See also Section 3708, below.

Sec. 3704. Every railroad corporation operating its line of road or any part thereof within this state shall between the fifteenth day of July and the first day of November of each and every year, upon each side of its line of road, plow as a fire guard a continuous strip of not less than six feet in width, which said strip of land shall run parallel with said line of railroad, and be plowed in such a good and workmanlike manner, as to effectually destroy and cover up the vegetation thereon, and be sufficient to prevent the spread of fire, and in addition thereto all such railroad corporations shall caused to be burned, between the dates aforesaid all the grass and vegetation lying between the said plowed strips and the track of said roads; and the outer line of said strip of plowed land shall be upon the outer line of said corporation's right of way, or if upon land owned by said corporation, one hundred feet on either side from the center of the road: Provided, that such fire guard so to be plowed need not be constructed within the limits of any town or city, nor along the line of a railroad running through the mountains, or on other lands, where plowing would be impracticable, but that the provisions herein respecting the burning of a strip on each side shall be duly conformed with, whenever any vegetation is found along such line of road; Provided, that the board of county commissioners of the various counties of the state shall prescribe for their respective counties, where the plowing of such fire guard and burning shall be done. Railroads to make fire guards.

Sec. 3705. Any railroad company failing to comply with the provisions of section 1 of this act, (Sec. 3704) shall be liable to pay a penalty of two hundred dollars for each and every mile or Penalty.

fractional part thereof of such strip of land as it neglects to plow on either side of the line of its road in this state, in each and every year as aforesaid, the same to be collected in an action of debt, in any court of competent jurisdiction, in the name of the people of the state of Colorado, and when collected it shall be paid into the school fund of the county in which the cause of action accrued: And provided, that the said action shall be brought within three years next after it accrues.

Liability of railroad.

Sec. 3706. Every railroad corporation operating its line of road, or any part thereof, within this state shall be liable for all damages by fire, that is set out or caused by operating any such line of road or any part thereof, and such damages may be recovered by the party damaged by the proper action, in any court of competent jurisdiction: Provided, that it shall be lawful for any party so damaged, and the railroad corporation so causing such damage, to appoint appraisers in the manner now provided by law for the appointment of appraisers to view and appraise stock killed by the operation of a railroad which said appraisers shall certify to the amount of the damage done the party complaining by such fire, and which said certificate shall be received in any court in which an action may be brought to recover said damages as *prima facie* evidence of the amount thereof. Provided, that the appointment of an appraiser under this section by any such railroad corporation shall in no event be taken as an admission or evidence of the fact that any fire, by which the damage was occasioned, was set out or caused by the operation of such railroad: Provided, the said action be brought by the party injured within three years next after it accrues.

Appraisers.

NOTE.—Applicable to any owner of a railroad, whether incorporated or not.

U. P. Rwy. Co., *v.* De Busk, 12 Colo., 294.

Not unconstitutional, as denying equal protection of the law within meaning of 14th amendment to constitution of U. S., nor as impairing the obligation of a contract.

Union Pacific Rwy. Co., *v.* De Busk, 12 Colo., 294.

This section does not abrogate the common law right of the party injured to recover for injuries caused by negligence of the defendant; it merely gives an additional right to recover in the absence of negligence.

Denver &c. Rwy. Co., *v.* Henderson, 10 Colo., 2.

Railroad right of way to be kept clear.

LAWS OF 1901, CHAP. 83.—*Sec. 14.* The right of way of any railroad within the forest area of this state shall be kept free from inflammable material, and every locomotive used in such forest area shall be so equipped and operated, as to prevent the setting on fire of any tree-growth along or adjacent to such right of way. Any destruction caused by a violation of this section of this act shall be appraised by the state board of land commissioners, and if the appraised value of such destruction is not paid by the offending railroad company within ninety days of such appraisement, then and in that case the state board of land commissioners shall bring suit in the name of the state to recover all damages, losses and costs caused by or arising out of the wrongful acts or negligence of the offending railroad company.

Damages to be appraised.

Suit to be brought.

Measure of damages.

The measure of damages shall consist of not only the actual commercial value of the trees destroyed, but also their value as

conservators of the snows, ice or irrigation waters, contemplated in this act, and promoters of adjacent tree-growth. Each day's neglect to properly equip and operate as herein directed any locomotive shall be deemed a separate offense, punishable in like manner and with lie penalties. The provisions of this section of this act shall take effect and become operative on and after the first day of July, A. D., 1901.

CONNECTICUT.

Railroads liable for forest fires.

REVISED STATUTES.—*Sec. 3779.* When property is injured by fire communicated by an engine of a railroad company, without contributory negligence on the part of the person entitled to the care and possession of such property, such company shall be held responsible in damages to the extent of such injury to the person so injured. Every such company shall have an insurable interest in the property for which it may be so held responsible in damages, and may procure insurance thereon in its own behalf.

Practice.

NOTE.—Sec. 3780 provides for legal procedure to procure damages from railroads.

IDAHO.

Misdemeanor.

NOTE.—See Chap. IV A, sec. 6921, on page 149 of this bulletin.

ILLINOIS.

Railroad right of way to be kept clear.

REVISED STATUTES, CHAP. CXIV.—*Sec. 63.* It shall be the duty of all railroad corporations to keep their right of way clear from all dead grass, dry weeds or other dangerous combustible material, and for neglect they shall be liable to the penalties named in Sec. 1 (62).

NOTE 1.—Sec. 1 (62) referred to in the above section provides for the fencing of railway tracks, and proceeds: "When such fences and cattle guards are not made as aforesaid, or when such fences or cattle guards are not kept in good repair, such railroad corporation shall be liable for all damages which may be done by the agents, engines or cars of such corporation to such cattle * * * , and reasonable attorney's fees in any court wherein such suit is brought for such damages, or to which the same may be appealed.

Evidence of negligence.

NOTE 2.—Sec. 103 provides that the fact that a railroad locomotive sets a fire, shall be prima facie evidence of negligence on the part of the company.

NOTE 3.—The railway company must use the most approved apparatus to prevent sparks from escaping.

Rwy. Co. *v.* Muthersbaugh, 71 Ills., 572.

And must have a competent engineer.

Rwy. Co. *v.* Funk, 85 Ills., 460.

IOWA.

Liability of railroad company for forest fire.

CODE OF IOWA.—*Sec. 2056.* Any corporation operating a railway shall be liable for all damages sustained by any person on account of loss of or injury to his property occasioned by fire set out or caused by the operation of such railway. Such damages may be recovered by the party injured in the manner set out

in the preceding section, and to the same extent, save as to double damages.

NOTE.—The preceding section, referred to herein, provides for fencing the track, in default of which the company shall be liable * * * "to the owner of any stock killed or injured by reason of the want of such fence or cattle guards for the full amount of the damages sustained by the owner on account thereof, unless it was occasioned by his wilful act or that of his agent; and to recover the same it shall only be necessary for him to prove the loss of or injury to his property. If such corporation fails or neglects to pay such damages within thirty days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof served upon any officer or station or ticket agent employed by said corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by him."

This section does not make the company liable for all fires set out by its engines, but merely makes the fact of the fire prima facie proof of negligence.

Small *v.* Rwy. Co., 50 Ia., 338.
Sloosson *v.* Rwy. Co., 51 Ia., 294.
Libby *v.* Rwy. Co., 52 Ia., 92.
Babcock *v.* Rwy. Co., 62 Ia., 593.

In case of growing timber, the measure of damages is the loss of value of the timber as growing, not the value it would have as cord wood.

Greenfield *v.* Rwy. Co., 83 Ia., 270.

Where timber was destroyed by fire, it was admissible to show injury to the silvicultural conditions.

Lieber *v.* Rwy. Co., 84 Ia., 97.

Under this section contributory negligence of the plaintiff is immaterial.

West *v.* Rwy. Co., 77 Ia., 654.

KANSAS.

Evidence of negligence.

GENERAL STATUTES.—*Sec. 5923.* In all actions against any railroad company organized or doing business within this state, for damages by fire caused by the operating of such railroad, it shall be only necessary for the plaintiff in said action to establish the fact that said fire complained of was caused by the operating of said railroad, and the amount of his damages, (which proof shall be prima facie evidence of negligence on the part of said railroad): Provided, that in estimating the damages under this act, the contributory negligence of the plaintiff shall be taken into consideration.

NOTE.—Such statutes are not void as contrary to the 14th amendment to the Constitution of the United States, guaranteeing to all persons the equal protection of the laws.

Missouri, etc., Rwy. Co. *v.* Merrill, 40 Kans. 404.
See also Mo., etc., Rwy. Co. *v.* Mackey, 127 U. S., 205.

Attorney's fee.

Sec. 5924. In all actions commenced under this act, if the plaintiff shall recover, there shall be allowed him by the court a reasonable attorney's fee, which shall become a part of the judgment.

KENTUCKY.

Spark arrester.

Sec. 782. All (railway) companies shall place in, on or around the tops of the chimneys of engines, a screen, fender, damper or other appliance, that will prevent, as far as possible, sparks of fire from escaping from such chimneys.

Rights of way kept clear.

KENTUCKY STATUTES.—*Sec. 790.* Every (railway) company shall keep its right of way clear and free from weeds, high grass and decayed timber, which, from their nature and condition, are combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property.

Sec. 793. Any company failing to comply with or violating, or permitting any of its employees or agents to violate any of the provisions of sections * * * 782, * * * 790, * * * of this article shall, in addition to subjecting itself to any damages that may be caused by such failure or violation, be guilty of a misdemeanor and be fined for each failure or violation not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the circuit court through which the company in default orperates a line of road, or in the Franklin circuit court.

Penalty.

NOTE.—Penalties mentioned in this section can be recovered only by indictment, not by penal action.
Commonwealth *v.* Rwy. Co., 18 Ky. Law Rep., 610.

LOUISIANA.

Duty of railroads.

ACTS OF 1904, NO. 113, PAGE 248.—*Sec. 15.* It shall be the duty of all railroad companies operating any railroad through forest lands within this State, to keep their right of way to the width of fifty feet on each side of the center of the main track cleared of all combustible materials and safely dispose of the same within said limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employees to leave a deposit of fire or live coals, or hot ashes, in the immediate vicinity of woodland or lands liable to be overrun by fires, and where engineers, conductors or train men discover that fences or other materials along the right of way or woodland adjacent to the railroad are burning or in danger from fire, they shall report the same promptly at the next telegraph station that they pass. In seasons of drought railroad companies shall give particular instructions to their employees for the prevention and prompt extinguishment of fires and they shall cause warning placards furnished by the Forest Commissioner to be posted at their stations in the vicinity of forest lands, and where a fire occurs along the line of their road they shall concentrate such help and adopt such measures as shall be available to effectively extinguish it. Any railroad company wilfully violating the requirements of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars for each such offense, and railroad employees wilfully violating the requirements of this section shall be guilty of a misdemeanor and be punished by a fine of not less than five dollars nor more than fifty dollars. But this section shall not be construed to prohibit or prevent any railroad company from piling or keeping upon the

right of way cross ties or other material necessary in the operation or maintenance of such railroad.

MAINE.

Railroad right of way to be kept clear.

LAWS OF 1903, CHAP. 168 (For preceding sections see chapters II and IV A).—*Sec. 10.* Every railroad company whose road passes through waste or forest lands, shall during each year cut and burn off or remove from its right of way all grass, brush, or other inflamable material, but under proper care and at times when fires are not liable to spread beyond control.

Spark arresters.

Sec. 11. All locomotives which shall be run through forest lands shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks.

Deposit of live coals.

Sec. 12. No railroad company shall permit its employes to deposit fire, live coal or ashes upon their track in the immediate vicinity of woodlands or lands liable to be overrun by fires, and

Officials to report fires.

where engineers, conductors or trainmen discover that fences along the right of way or woodlands adjacent to the railroads are burning or in danger from fire, it shall be their duty to report the same at their next stopping place which shall be a telegraph station.

Damage done in constructing railroad.

Sec. 13. For all damages caused to forest growth by any person employed in the construction of any railroad hereafter to be built in this state the company owning such road shall be prima-

Warning notices.

rily liable to the person or persons so damaged. During the construction of such roads through woodland, there shall be kept posted in conspicuous places on each line of the roadways at distances of two hundred feet abstracts of the laws relating to forest

Employees setting fires.

fires. Any person employed in the construction of such railroads who shall set or cause to be set any fire along the line of said roads, shall before leaving the same totally extinguish said fires, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by

Penalty.

a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding sixty days or by both such fine

Duty of superintendents.

and imprisonment. It shall be the duty of all persons having charge of men in the construction of such railroads, to see that the provisions of this act are carefully complied with, and any negligence or want of ordinary care on their part in relation to

Penalty.

the same shall constitute a misdemeanor, and upon conviction thereof, shall be liable to the penalty imposed by this section.

Penalty for railroad company.

Sec. 14. Any railroad companies violating the requirements of this act, shall be liable to a fine of one hundred dollars for each offense.

Liability of railroad company.

REVISED STATUTES, CHAP. LI.—*Sec. 64.* When a building or other property is injured by fire, communicated by a locomotive engine, the corporation using it is responsible for such injury,

Insurable interest.

and it has an insurable interest in the property along the road, for which it is responsible, and may procure insurance thereon.

NOTE.—The term "other property" includes growing timber.

Pratt *v.* Rwy. Co., 42 Me., 579.

But not wood piled temporarily by the side of the track.

Chapman *v.* Rwy. Co., 37 Me., 92.

MASSACHUSETTS.

REVISED LAWS, CHAP. CXI.—*Sec. 270.* Every railroad corporation and street railway company shall be liable in damages to a person or corporation whose buildings or other property may be injured by fire communicated by its locomotive engines, and shall have an insurable interest in the property upon its route, for which it may be so held liable, and may procure insurance thereon in its own behalf. * * *

Liability of railroad companies for fires.

Insurable interest.

MICHIGAN.

COMPILED LAWS.—*Sec. 6295.* Any railroad company building, owning or operating any railroad in this state, shall be liable for all loss or damage to property by fire originating from such railroad, either from engines passing over such roads, fires set by company employes by order of the officers of said road, or otherwise originating in the construction or operating of such railroad. Provided, that such railroad company shall not be held so liable, if it prove to the satisfaction of the court or jury, that such fire originated from fire by engines whose machinery, smoke stack or fire boxes were in good order and properly managed, or fires originating in building, operating or repairing such railroad, and that all reasonable precautions had been taken to prevent their origin, and that proper efforts had been made to extinguish the same in case of their extending beyond the limits of such road, when the existence of such fires is communicated to any of the officers of such company.

Liability of railroad company for forest fires.

NOTE 1.—Railway company is not liable, where a stranger starts a fire on brush accumulated on the right of way.

Osborn *v.* Rwy. Co., 111 Mich. 15.

This statute does not change the common law liability of the railroad company, but merely shifts the burden of proving the absence of negligence to the defendant.

Fisk *v.* Wabash Rwy., 114 Mich., 248.

NOTE 2.—See also sec. 12, chap. 249, Laws of 1903, in chap. IV A of this bulletin, page 165.

MINNESOTA.

STATUTES OF MINNESOTA.—*Sec. 2700.* All railroad companies or corporations operating or running cars or steam engines over roads in this state shall be liable to any party aggrieved for all damage caused by fire being scattered or thrown from said cars or engines, without the owner or owners of the property so damaged being required to show defect in their engines or negligence on the part of their employes; but the fact of such fire being so scattered or thrown shall be construed by all courts having jurisdiction as *prima facie* evidence of such negligence or defect. Provided, that the said railway company may show, upon the trial of any action, that said damage arose from the default of negligence of the party injured .

Liability of railroad companies for forest fires.

Evidence of negligence.

Contributory negligence.

NOTE.—This section does not change the common-law liability of the railway company, but merely the burden of proof.

Mahoney *v.* St. Paul, &c., Rwy. Co., 35 Minn., 361.

Duties of railroad companies. Spark arresters. Clearing right of way.

LAWS OF 1895, CHAP. 196 (AS AMENDED BY LAWS OF 1903, CHAP. 363).—*Sec. 12.* It shall be the duty of all railroad companies operating any railroad within this state to use efficient spark arresters on all their engines, and to keep their right of way to the width of fifty (50) feet on each side of the center of the main track clear of all combustible materials and safely dispose of the same within said limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employes to leave a deposit of fire or live coals, or hot ashes, in the immediate vicinity of woodlands, or lands liable to be overrun with fires, and where engineers, conductors and trainmen discover that fences or other material along the right of way are burning or are in danger from fire, they shall report the same promptly at the next telegraph station that they may pass. In seasons of drought, railroad companies shall give particular instructions to their employes for the prevention and prompt extinguishment of fires, and they shall cause warning placards furnished by the forest commissioner to be posted at their stations in the vicinity of forest and prairie grass lands, and where a fire occurs along the line of their road, they shall concentrate such help and adopt such measures, as shall be available to effectually extinguish it. Any railroad company violating the requirements of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred (100) dollars for each such offense, and railroad employes violating the requirements of this section shall be guilty of a misdemeanor and be punished by a fine of not less than five ($5) dollars nor more than fifty ($50) dollars. But this section shall not be construed to prohibit or prevent any railroad company from piling or keeping upon the right of way cross ties or other material necessary in the operation or maintenance of such railroad.

Live coals and hot ashes.

Notice of fires by trainmen.

Penalties.

Cross-ties.

Threshing engines.

NOTE.—Sec. 13 provides that threshing engines must use spark arresters and look out for live coals and hot ashes at all times.

MISSOURI.

Liability of railroad company for forest fires. Insurable interest.

REVISED STATUTES.—*Sec. 1111.* Each railroad corporation owning or operating a railroad in this state shall be responsible in damages to every person or corporation whose property may be injured or destroyed by fire communicated directly or indirectly by locomotive engines in use upon the railroad owned or operated by such railroad corporation, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it, and may procure insurance thereon in its own behalf, for its protection against such damages.

NOTE.—This statute is not unconstitutional as imparing the obligation of charter contracts; nor as denying to railroad companies the equal protection of the law; nor as taking property without due process of law.

Matthews *v.* Rwy. Co., 121 Mo., 298.

Campbell *v.* Rwy. Co., 121 Mo., 340.

Under this statute, proof of diligence and care on the part of the railroad company does not relieve it from liability.

Matthews *v.* Rwy. Co., 121 Mo., 298.

MONTANA.

NOTE.—Laws of 1901, page 163, as amended by Laws of 1903, chap. 63, sec. 1, provides that railroads within the state shall, between April 1 and July 1, plow a fire guard six feet wide on each side of its track, not less than 300 feet from track in uncultivated country or 70 feet in cultivated country, and burn before September 15 the grass at least 50 feet inside of each slip, such plowing not required in the mountains or impracticable country within the limits of a city or village and to be further released in the discretion of the county commissioners. Sec. 2 provides that, on failure of railroad to comply with this law, the county commissioners may have the plowing and burning done and recover, from the company, double the cost of making the fire guard and further that the railroad company shall be liable for any damage due to their neglect to make such fire guards.

Railroads to make fire guards.

On failure to comply, commissioners may construct.

NEBRASKA.

COMPILED STATUTES.—*Sec. 2061.* The right of way of all railroads in the state of Nebraska shall be mowed each year between the fifteenth day of July and the fifteenth day of August.

Railroads to mow right of way.

Sec. 2062. If any railroad company or corporation owning or operating a railroad over said right of way shall neglect or refuse to cause their right of way to be mowed as provided in the foregoing section, any person occupying or owning the land adjoining said right of way may, after said fifteenth day of August, cause the portion of said right of way adjoining the said land occupied or owned by such person to be mowed, and shall receive for such work the reasonable value thereof, to be fixed by the road overseer of said district, who shall certify under oath to the value of such work, and the said certificate shall be filed with the county clerk, and the said certified bill shall be charged to said company and collected for said person in the same manner and at the same time as other taxes.

Failure to comply.

Certified bill of volunteer mower to be a tax lien.

NEW HAMPSHIRE.

PUBLIC STATUTES, CHAP. CLX.—*Sec. 29.* The proprietors of every railroad shall be liable for all damages to any person or property by fire or steam from any locomotive or engine upon their road.

Liability of railroad company for forest fires.

Sec. 30. Such proprietors shall have an insurable interest in all property situate upon the line of their road, which is exposed to such damage, and they may effect insurance thereon for their own benefit.

Insurable interest.

Sec. 31. Such proprietors shall be entitled to the benefit of any insurance effected upon such property by the owner thereof, less the cost of premium and of expense of recovery. The insurance shall be deducted from the damages if recovered before the damages are assessed, or if not, the policy shall be assigned to the proprietors who may maintain an action thereon.

Same.

NEW JERSEY.

Proper precautions by railroads.

GENERAL STATUTES, PAGE 2671.—*Sec. 124.* It shall be the duty of every railroad company in this state, and of every company or person operating or using any railroad in this state, with a locomotive or locomotive engines, to take and use all practicable means to prevent the communication of fire from any locomotive engine used or employed by them on any railroad in this state, in passing along or being on any such railroad, to any property of whatever description of any owner or occupant of any land adjacent or near to such railroad.

Liability of railroad company for forest fires.

Sec. 125. When any injury is done to any building, grain, hay, crops or other property of any person or corporation, by fire communicated by a locomotive engine of any person or railroad corporation, in violation of the foregoing section of this act, said person or corporation shall be held responsible in damages to the person or corporation so injured; and it shall be lawful for any railroad company to make an agreement for insurance of any such property on which an insurance may be practicable, and such corporation shall have an insurable interest therein accordingly, and may effect insurance thereon in its own behalf.

Insurable interest.

Spark arresters.

Sec. 126. It shall be the duty of every railroad company in this state and of every company or person operating or using any railroad in this state, with a locomotive engine or engines, to provide such engine or engines with a screen or screens, or cover or covers, on the smoke stack or smoke pipe of such engine or engines so as to prevent as much as practicable the escape of fire, either from wood, soft coal or hard coal, from the smoke stack or smoke stacks, smoke pipe or smoke pipes of said engine or engines.

NOTE.—If a railroad has a proper spark arrester, it is not liable if sparks escape.
Hoff *v.* Rwy. Co., 16 Vr., 201.

Evidence.

Sec. 127. In every action now or hereafter brought for the recovery of damages for an injury done to the property of any person or corporation, by fire communicated by a locomotive engine of any person or railroad corporation, in violation of the preceding section of this act, proof that the injury was so done shall be made prima facie evidence of such violation, subject nevertheless to be rebutted by evidence of the taking and using all practicable means to prevent such communication of fire, as by said section required.

Penalty.

Sec. 128. If any company or person shall refuse or neglect to comply with either of the foregoing provisions of this act for preventing the communication of fire from locomotives, they shall forfeit for every such refusal or neglect the sum of one hundred dollars, to any person who may sue for the same, to be recovered with costs in an action of debt in any court having cognizance thereof, one-half of the sum recovered to go to the person suing, and one-half to the state for the public school fund.

Reward to prosecutor.

NEW MEXICO.

NOTE.—Compiled Laws, Sec. 3904, provides that the county commissioners may require railroads to make fire guards, by plowing strips six feet in width on the outer lines of the rights of way and burning the dry grass between such strips and the track, such work to be done between July 15th and October 1st. Sec. 3905 provides a penalty of $200 for each mile not thus fire guarded after notice. Sec. 3906 provides that if railroad fails to comply with notice, the commissioners may make the fire guards and collect the expense with costs of collection from the railroad.

Fire guards.

Penalty.

Commissioners to make fire guards and collect.

NEW YORK.

LAWS OF 1904, CHAP. 590 (AMENDING GENERAL LAWS, PAGE 1511).—*Sec. 228.* Every railroad company shall on such part of its road as passes through forest lands or lands subject to fires from any cause, cut and remove from its right of way along such lands at least twice a year, all grass, brush and other inflammable materials. Where the railroad runs through forest lands in counties containing part of the forest preserve, it shall so cut and remove the same from its right of way whenever required by the commissioner; employ in seasons of drought and before vegetation has revived in the spring, sufficient trackmen to promptly put out fires on its right of way; provide locomotives thereon with netting of steel or iron wire so constructed as to give the best practicable protection against the escape of fire and sparks from the smoke stacks thereof and adequate devices to prevent the escape of fire from ash pans and furnaces which shall be used on such locomotives. The railroad commission must upon the request of the forest, fish and game commissioner, and on notice to the railroad company or companies affected, require any railroad company having a railroad running through forest lands in counties containing parts of the forest preserve, to adopt such devices and precautions against setting fire upon its line in such forest lands as the public interest requires. No railroad company or employee thereof shall deposit fire coals or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, the railroad company shall use all practicable means to put it out. Engineers, conductors or trainmen discovering or knowing of fires in fences or other material along or near the right of way of the railroad in such lands, shall report the same at the first station to the station agent, and such station agent shall forthwith notify the nearest fire warden or game protector thereof, and use all necessary means to extinguish the same. Any railroad company failing or neglecting to comply with any of the provisions of this section, or any order of the railroad commission made pursuant to the provisions of this section, shall be liable to a penalty of one hundred dollars for each day that it continues a violation thereof, and any officer or employee of a railroad company violating any provision of this section or neglecting to comply with any requirement of the railroad commission duly ordered, shall be liable to a penalty of one hundred dollars for every such violation. The supreme court may on notice to the persons or corporations

Railroads in timberland.

Spark arresters.

Railroad commission to enforce rules.

Live coals.

Railroad officials to give notice of fires.

Penalty.

affected enforce compliance with any such order of the railroad commission.

NOTE.—See also middle of sec. 224-a and of sec. 224-b in Chap. IV A of this bulletin, page 177.

NORTH DAKOTA.

Liability of railroad company for forest fires.

REVISED CODE.—*Sec. 2983.* All railroad companies or corporations operating or running cars or steam engines over roads in this state shall be liable to any party aggrieved for all damages resulting from fire negligently escaping or being negligently scattered or thrown from said cars or engines; provided, that such railroad company or corporation shall not be liable for such said damages when the same result from the default or negligence of the party injured.

Contributory negligence.

Evidence.

Sec. 2984. Upon the trial of any action against a railroad company doing business in this state for damages resulting from fire escaping or being scattered or thrown from its cars or engines, or from cars or engines under its control, the party injured shall not be required to show defect in such cars or engines or negligence on the part of the employees of such company; but the fact of such fire so escaping or being scattered or thrown shall be construed as prima facie evidence of such defect or negligence.

NOTE.—See also sec. 1673, in Chapter IV A of this bulletin.

OHIO.

Spark arresters.

ANNOTATED STATUTES.—*Sec. 3365.* 1. Every railroad company operating a railroad, or any portion of a railroad, wholly or partially within the state of Ohio, shall place, or cause to be placed, on every locomotive engine used in operating such railroads, or constructing or repairing the same, some device or contrivance that will most effectually guard against the emission of fire and sparks which would otherwise be thrown out by such engines, and such railroad companies shall keep such device or contrivance in good repair: Provided, that such railroad companies shall not be required to use such devices during the months of December, January and February.

Penalty.

Sec. 3365. 2. Any railroad company or corporation violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, forfeit and pay for each and every such violation any sum not exceeding one hundred dollars; and in addition thereto the court of common pleas, in and for any county through which such railroads are or may hereafter be constructed or operated, may enjoin such railroad companies or corporations from operating on such railroads any locomotive not provided with the device as required by section one (3365–1).

Right of way kept clear.

Sec. 3365. 3. Every railroad company, or every person in charge of a railroad as manager or receiver, shall be required to keep the right of way of such company clear and free from weeds, high grass and decayed timber, which from their nature and condition are combustible material liable to take and communicate fire from

Civil liability.

passing locomotives to abutting or adjacent property. And such company shall be liable for all damage sustained by the owner or

occupant of abutting property form any carelessness or neglect to keep such right of way clear of combustible material as herein provided.

Failure to comply.

Sec. *3365*. 4. Any person owning or controlling property abutting or adjacent to such railroad right of way, in case of failure to comply with the provisions of this act after twenty days' notice in writing, the default still continuing, may cause to be removed all combustible material from the right of way of such railroad, along or by such abutting or adjacent property, and upon presentation of a reasonable account for the same to the agent at the nearest station of such company or receiver, and if the such company or receiver refuse to pay the same within thirty days, the amount may be recovered by law, before any court having jurisdiction thereof.

Adjacent owners may clear the right of way.

And collect the expense of clearing.

Liability of railroad company.

Sec. 3365. 5. Every railroad company operating a railroad or any portion of a railroad wholly or partially within the state of Ohio, shall be liable for all loss or damage by fire originating upon the land belonging to such railroad company caused by operating such railroad. Such railroad company shall be further liable for all loss or damage by fires originating on lands adjacent to such railroad company's land caused in whole or in part by sparks from an engine passing over the line of such railroad, to be recovered before any court of competent jurisdiction within the county in which the lands on which such loss or damage occur are situated, and the existence of such fires upon such railroad company's lands shall be prima facie evidence that such fire was caused by operating such railroad.

Negligence by railroad.

Contributory negligence.

NOTE 1.—Sec. 3365–6 provides that in actions for damages caused by fire from a locomotive, the fact that such fire was thus started shall be prima facie evidence of negligence and that no proper use of land shall charge the owner with contributory negligence except in the case of personal property left upon the railroad's right of way.

NOTE 2.—This section is not unconstitutional.

Martz *v.* Rwy. Co., 12 C. C. 144.

OKLAHOMA.

NOTE.—See Chapter IV A of this bulletin, sec. 2909, page 184.

SOUTH CAROLINA.

Liability of railroad company for forest fires.

CIVIL CODE—*Sec. 2135*. Every railroad corporation shall be responsible in damages to any person or corporation whose buildings or other property may be injured by fire communicated by its locomotive engines or originating within the limits of the right of way of said road in consequence of the act of any of its authorized agents or employes, except in any case where property shall have been placed on the right of way of such corporation unlawfully or without its consent, and shall have an insurable interest in the property upon its route for which it may be held responsible, and may procure insurance thereon in its own behalf.

Contributory negligence.

Insurable interest.

NOTE.—The statutory liability does not cover fires caused by engines of lessees or third parties.

Lipfield *v.* Rwy. Co., 41 S. C. 285.

SOUTH DAKOTA.

Railroad fire guards may be extended beyond right of way.

CIVIL CODE—*Sec. 516.* Whenever any railroad company owning or operating any line of railroad in this state, and authorized by law to exercise the right of condemning private property, shall deem it necessary to extend any fire guard along any line of its railroad, or any part thereof and beyond the limits of the right of way of such railroad, it shall have the right to do so, and for that purpose such company shall proceed in extending such fire guard in the manner provided in chapter 40 of the code of civil procedure, and the petition filed therein shall describe such desired fire guard and give any other particulars necessary to a determination of all the questions involved in such proceedings.

Burning for fire guards on State lands.

Sec. 517. Any railroad company within this state deeming it necessary to extend its fire guard may for that purpose enter upon any unoccupied land belonging to the state and burn a strip of land not exceeding two hundred feet in width on either side of its right of way.

VERMONT.

Liability of railroad company for fire.

VERMONT STATUTES—*Sec. 3926.* A person or corporation owning or operating a railroad shall be responsible in damages for a building or other property injured by fire communicated by a locomotive engine on such road, unless due caution and diligence are used and suitable expedients employed to prevent such injury; such person or corporation shall have an insurable interest in the property along the route, and may procure insurance thereon.

Insurable interest.

WASHINGTON.

Spark arresters on engines.

LAWS OF 1903, CHAP. 114.—*Sec. 11.* It shall be unlawful for any person or corporation to operate any spark-emitting logging locomotive, logging or farm engine in this state at any time during the months of June to October inclusive, or for any person to operate any logging or other engine in the immediate vicinity of any forest slashing or chopping during the close season, without such locomotive or engine is provided with and uses a safe and suitable device for arresting sparks. Any person, company or corporation who shall fail to provide and use such spark arrester during the periods herein mentioned, shall upon conviction pay a fine for each engine or locomotive for each day operated without such arrester of not less than ten nor more than fifty dollars, and shall be prohibited from further use of such locomotive or engine in such months or season until such arrester is provided and used therewith. Fines from this source shall be paid into the current expense fund of the county treasury. Patrolmen and wardens shall report any lack of sufficient arresters to the prosecuting attorney of their county, and the superior court of that county where suit is first instituted shall have jurisdiction of the offense.

Penalty.

Disposal of fines.

Prosecution.

WYOMING.

NOTE.—Revised Statutes, Sec. 3210, provide that, between Sept. 1 and Nov. 1, railroads must burn, for a fire guard, all grass and vegetation on their rights of way, in strips not more than 200 feet wide on each side of track, but need not burn such fire guards in any village or city or in such mountainous or desert land as makes the burning unnecessary or impracticable. Sec. 3211 provides, for noncompliance, a penalty of $100 per mile and that such fines shall be paid into the school fund of the respective counties in which the penalty accrued. Sec. 3212 provides for civil damages in favor of any person injured by fires along such negligently non-guarded roads.

CHAPTER V.

STATUTES RELATING TO BOUNTIES, TAX REBATES, AND TAX EXEMPTIONS.

COLORADO.

MILLS' ANNOTATED STATUTES.—*Sec. 2006.* Whenever the owner or occupant of land under irrigation within this state, has or shall hereafter plant any fruit or forest trees, there shall not be added any increased valuation in the assessment of said land by reason of the gain in value that may be acquired by reason of such planting and cultivation, within a period of ten years thereafter.

Planted trees not taxed for period of ten years.

NOTE.—This law was passed in furtherance of the constitutional provision, quoted in full in Chap. I of this bulletin, page 13.

CONNECTICUT.

REVISED STATUTES.—*Sec. 2320.* When any person shall plant land not theretofore woodland, the actual value of which, at the time of planting, shall not exceed twenty-five dollars per acre, to timber trees of any of the following kinds, to-wit: Chestnut, hickory, ash, white oak, sugar maple, European larch, white pine, black walnut, tulip or spruce, not less in number than twelve hundred to the acre, and such plantation of trees shall have grown to an average height of six feet, the owner of such plantation may appear before the board of relief of the town in which such plantation is located, and, on proving a compliance with the conditions herein, such plantation of trees shall be exempt from taxation of any kind for a period of twenty years next thereafter.

Tree plantations not taxed.

Species exempted.

Number per acre.

Height of trees.

Exemption to be 20 years.

NOTE 1.—Sec. 2321 provides that land taken by a municipality for water supply shall not be taxed when the inhabitants of the town in which such land is situated have the right to use the water on the same terms as the inhabitants of the municipality.

Land used for water supply purposes.

NOTE 2.—In Revised Statutes, sec. 4449, it is provided that the state forester "shall pay from the sum biennially appropriated the town taxes upon said land (state forest land) when assessed at the same rate as similar adjoining lands."

State to pay town taxes on State forest land.

HAWAII.

COMPILED LAWS, CHAP. LXI.—Whereas the preservation of forests is a matter of great public interest in consequence of their influence upon the water supply of the territory, Therefore, Be it enacted, etc.

When timberland not taxed.

Sec. 897. In all cases where forest land is fenced for the purpose of protecting the forest or springs or streams of water rising on said premises or flowing through the same, and no other use of such land or its products is made, such land, so long as such conditions exist, shall be exempt from taxation.

Procedure to secure exemption.

In order to secure such exemption, the person claiming it shall annually, between the first and thirty-first days of July, make a sworn statement to the local tax assessor describing the land in detail and setting forth the facts upon which exemption is claimed, including an agreement that in consideration of the exemption from taxes he will during the year next succeeding keep such land properly fenced, will not allow any live stock upon it, and will not use such land or its products during such year without first paying the taxes thereon.

Penalty.

Sec. 898. Any person who shall have secured such exemption who shall violate the terms of such agreement shall be liable to be fined twice the amount of the tax which would be assessed upon such land but for such exemption, and any district magistrate is hereby given jurisdiction of such matter.

ILLINOIS.

Bounty for tree planting.

REVISED STATUTES, CHAP. CXXXVI.—*Sec. 1.* It shall be lawful for the board of supervisors or county commissioners' court (board of county commissioners) in any county in this state to offer a bounty to any person in said county who shall hereafter plant one or more acres of land with forest trees and properly cultivate the same for three years, any sum not to exceed $10 per annum for three years, for each acre so planted and cultivated: Provided, that trees so planted shall not be at a greater distance than ten feet apart each way.

Three years' cultivation required.

Density required.

Proof necessary.

Sec. 2. Any person claiming the bounty under this act shall make proof before the county clerk that he has complied with section 1 of this act and that the trees planted by him are in a healthy and growing condition.

Certificate.

Sec. 3. Upon proof of compliance with this act the county clerk shall issue his certificate to the person entitled to the same, setting forth that the provisions of his act have been complied with, and the number of acres so planted.

Notice of offer of bounty.

Sec. 4. The board of supervisiors or county commissioners' court (board of county commissioners), desiring to offer the bounty herein provided for, shall do so by resolution, to be made of record and giving notice in some newspaper published in the county three weeks prior to the first day of April in each year; said resolution and notice to state the amount of bounty offered for each acre planted and cultivated.

NOTE.—As to the possibly doubtful constitutionality of this and similar acts, compare
Deal *v.* Mississippi County, 18 S. W. Rep. (Mo.) 24.

INDIANA.

Private forest reservations.

BURNS ANNOTATED STATUTES, VOL. III, REVISION OF 1901 (LAWS OF 1899, PAGE 570).—*Sec. 6628–a.* Upon any tract of land in the State of Indiana, there may be selected by the owner or owners,

as a permanent forest reservation, a portion, not to exceed one-eighth of the total area of said tract, which shall be appraised for taxation at one dollar per acre. Assessed valuation $1 per acre.

Sec. 6628–b. If such selection is an original forest, containing not less than 170 trees in each acre, it shall become subject to this act upon filing with the auditor of the county in which it is situated a description of such selection as is hereinafter provided. Original forest exempt at once.

Sec. 6628–c. If any land owner shall plant not less than 170 trees on each acre of selected forest reservation and shall cultivate and maintain the same for three years, then it shall become subject to this act, as herein provided. Plantations exempt after three years.

Sec. 6628–d. Upon any tract selected as a forest reservation which contains 100 or more original forest trees on each acre, the owner may plant a sufficient number of forest trees which shall make up the required 170 forest trees per acre, when the same shall become subject to thic act, as in Section 3. Replanting to secure exemption.

Sec. 6628–e. No land owner shall receive the benefit of this act who shall permit cattle, horses, sheep, hogs or goats to pasture upon such reservation until said trees are four inches in diameter. Cattle must be kept out.

Sec. 6628–f. Whenever any tree or trees shall be removed or die, the owner, in order to avail himself of this act, shall plant other trees in place of such trees as may be removed or die, and protect said trees until they are four inches in diameter, shall plant others which shall at all times maintain the full number required by this act. Removal and replacement of trees.

Sec. 6628–g. Not more than one-fifth of the full number of trees in any forest reservation shall be removed in any one year, excepting that such trees as may die naturally may be removed, when other trees shall be planted. Number of trees to be cut per year.

Sec. 6628–h. Ash, maple, pine, oak, hickory, basswood, elm, black locust, honey locust, Kentucky coffeetree, chestnut, walnut, butternut, larch, tulip tree, mulberry, Osage orange, sassafras and catalpa shall be considered forest trees within the meaning of this act. Forest tree defined.

Sec. 6628–i. It shall be the duty of the auditor in every county to keep a record of all forest reservations as the same shall be filed with him, and he shall require the owner or agent to subscribe under oath the extent and description of the land reserved, and that the number of trees is as required by this act, and that he will maintain the same according to the intent of this enactment. Record of forest reservations to be kept.

Sec. 6628–j. It shall be the duty of the assessor to personally examine the various forest reservations, when the real estate is appraised, and to note upon his return the condition of the trees, in order that the intent of this act may be complied with. And if the reservation is properly planted and continuously cared for, he shall appraise the same at one dollar per acre. Examination and assessment.

KANSAS.

GENERAL STATUTES.—*Sec. 7858.* It shall be lawful for the board of county commissioners in any county in this state to offer a bounty to any person in said county who shall hereafter plant one or more acres of land with forest trees and properly cultivate the Bounty for tree planting.

same for five years, in any sum not to exceed ten dollars for five years for each acre so planted and cultivated: Provided, that trees so planted shall not be at a greater distance that ten feet apart each way and shall be kept in a live, thrifty, growing condition for at least five years after being planted before said bounty shall be due and payable: And Provided, further, that the provisions of this act shall not apply to lands held as timber culture entries under any of the timber culture laws of the United States.

Density required.

Five years' cultivation required.

Proof.

Sec. 7859. Any person claiming the bounty under this act shall make proof before the county commissioners that he has complied with Section 1 of this act (Sec. 7858) and that the trees planted by him are in a healthy growing condition.

Warrant.

Sec. 7860. Upon satisfactory proof of compliance with this act, the board of county commissioners may issue to the persons entitled thereto a warrant upon the county treasurer as in other cases for the amount due, under the offer made by the board.

Notice of offer of bounty.

Sec. 7861. The board of county commissioners desiring to offer the bounty herein provided for shall do so by resolution to be made of record and giving notice in some newspaper published in the county three weeks prior to the first day of April of each year; said resolution and notice to state the amount of bounty offered for each acre planted and cultivated.

MAINE.

Reforested lands not taxed.

Three years' care required.

Twenty years' exemption.

Must be kept thrifty.

REVISED STATUTES, CHAP. VI.—*Sec. 6.* Sub-Sec. 11. Whenever a land holder, having, prior to March 30, 1882, planted and set apart for the growth and production of forest trees, any cleared lands or lands from which the primitive forest had been removed, successfully cultivates the same for three years, the trees being not less in number than two thousand on each acre and well distributed over the same, then, on application of the owner or occupant thereof to the assessors of the town in which such land is situated, the same shall be exempt from taxation for twenty years after said application, Provided, that said applicant at the same time files with said assessors a correct plan of such land with a description of its location, and a statement of all the facts in relation to the growth and cultivation of said incipient forest; Provided, further, that such grove or plantation of trees is during that period kept alive and in a thriving condition.

REVISED LAWS, CHAP. XII.—*Sec. 6.* All plantations of chestnut, hickory, white ash, white oak, sugar maple, European larch and pine timber trees, in number not less than two thousand trees to the acre, upon land, not at the time of said planting woodland or sprout land and not having been such within five years previously, the actual value of which at the time of planting does not exceed fifteen dollars per acre, shall, with such land, be exempt from taxation for a period of ten years after said trees have grown in height four feet on the average subsequently to such planting, upon satisfactory proof by the owners to the assessors of these facts; but such exemption shall not extend beyond the time during which said land is devoted exclusively to the growth of said trees.

MASSACHUSETTS.

REVISED LAWS, CHAP. CXXIV.—*Sec. 10.* Every such society shall annually offer such premiums and encouragement for the raising and preservation of oaks and other forest trees as it considers proper and adapted to perpetuate within the Commonwealth an adequate supply of ship and other timber. Premiums for raising oaks and other forest trees.

NOTE.—Above section refers to incorporated agricultural societies receiving a bounty from the state.

MICHIGAN.

PUBLIC ACTS OF 1903, No. 175.—*Sec. 4.* All forestry reserve lands set aside under or pursuant to the provisions of this act shall be exempt from taxation as herein otherwise provided. Said lands shall be assessed in the same manner as are the similar lands of individuals situated within the townships in which the same are situated. Within ten days after the final meeting of the board of review of each township the supervisor of such township shall file in the office of the commissioner of the state land office at Lansing a certified copy of the assessment roll of his township, with the several assessments completed thereon and reviewed, said rolls to specify which of the lands appearing thereon are forestry reserve lands and the valuation placed upon each description, and also the lands owned by private individuals, and the valuation of such lands; the several matters appearing in said assessment roll to be verified by the supervisor on oath. No assessment of forestry reserve lands shall be valid, nor shall any tax be spread thereon, until such assessment is approved by the commissioner of the state land office, such approval to be attached to and become a part of the original assessment roll of the township. No tax shall be levied upon such lands except for the maintenance of school and roads, and no tax shall be imposed upon the forestry reserve lands for the support of any school or the building of any school house, or the building or maintenance of any road which is not at present in existence, unless the same shall have been first approved in writing by the forestry commission. All taxes lawfully levied upon the said lands in accordance with the provisions of this section shall in each year be paid by the state treasurer to the township treasurer of the township in which the same are situate, by a warrant in favor of the said township, said warrant to be issued upon the filing with the auditor general by the said forestry commission of a certificate that such taxes have been levied in accordance with the provisions of this act. No fee shall be allowed to the township treasurer or other official for the collection of such tax or taxes.

Taxation of forest reserve lands.

The supervisor of each township to file assessment of forest reserve land.

No tax except for schools and roads.

MINNESOTA.

STATUTES OF MINNESOTA.—*Sec. 7853.* For the purpose of encouraging the growing or cultivation of timber and live hedge fences in this state, there shall be annually appropriated, out of any moneys in the treasury belonging to the general revenue

Appropriation.

fund, not otherwise appropriated, the sum of three hundred dollars.

Premiums for tree and hedge planting.

Sec. 7854. The said sum is hereby placed at the disposal of the state agricultural society of this state, for the paying of premiums for the best five acres of cultivated timber, or continuous half mile of live hedge fence, or a less amount if deemed necessary; provided, that the said society shall make such classifications and regulations as may be deemed most expedient to encourage the largest competition, and all awards of premiums under this act shall be impartial.

Same.

Sec. 7855. The provisions of this act shall apply only to timber or groves and hedges, propagated from seeds, cuttings or layers subsequent to the passage of this act; and no person shall be entitled to more than one first-class premium on the same piece of timber or hedge.

Manner of awarding premium.

Sec. 7856. The said society shall fix the rate of entrance fee of those wishing to compete, for premiums under this act at a reasonable amount; and in order to encourage competition said society may appoint a person or persons in each county whose duty it shall be to visit the premises of persons competing for

Examination and report.

premiums in such county and make out an accurate report of the condition, mode of cultivation and propagation of the timber or hedge growing on the said premises, which report shall be made in accordance with instructions from said society, and shall be attested under oath or affirmation.

Annual report.

Sec. 7857. Said society shall cause an accurate account to be kept of all sums paid as premiums, and to whom such premiums were paid, with the amount thereof, and shall annually, on or before the first Monday in February, make a true report of the same to the governor of the state; which report, together with a certificate of the correctness thereof, shall be signed by the president and secretary of said society.

Protecting hedges.

Sec. 7858. Any person who may plant a close hedge upon his property along the line of any road or street, which is not less than sixty feet wide, shall have the right to build and maintain a temporary fence along the line of said street, six feet or less form the line thereof, for the period of five years from the time of planting such hedge, for the purpose only of protecting the growing of such hedge.

Bounty for prairie plantations.

Sec. 7859. Any person who has heretofore or shall hereafter plant, cultivate and keep in a growing and thrifty condition one acre and not more than ten acres of prairie land, with any kind of

Black locust excepted.

forest trees except black locust, and shall plant, or have planted, said trees not more than eight feet apart each way and maintain them at that distance, by replanting each year any that may die, shall be entitled to compensation at the rate of two dollars and

Railroad companies.

fifty cents per acre for a period of six years. Provided that this act shall not apply to any railroad company planting trees within two hundred feet of its track, nor to any person planting trees in compliance with an act of Congress entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, or any act amendatory thereof; provided, further, that this

act shall not apply to any person who has received bounty under said section 70.

NOTE.—The act of Congress referred to in this section has since been repealed. "Said section 70" refers to sec. 70, Gen. Stat. of 1878, which was repealed by chap. 78, Laws of 1889.

Proof.

Sec. 7860. Any person wishing to secure the benefit of this act shall file with the county auditor of the county in which the land is located a correct plat of such grove or line of trees, and desig nate the same by metes and bounds, giving the subdivision on which the same is located, according to governmental survey, and if such grove or line of trees is extended, supplemental plats of its extension, made out in like manner, shall be filed from time to time, as such extension is made. Such applicant for compensation shall also make proof of the ownership of the land and of the planting and maintaining of the requisite number of trees, and at the proper distance, as above specified, and of the cultivation and maintenance, in a thrifty, growing condition, of the same, as within provided, to be verified by the claimant, and supported by the affidavit of at least two freeholders, residents of the same town, who have personal knowledge of the facts, which proof is to be filed with the county auditor of the county between the first and fifteenth day of July of the year for which compensation is claimed. Such proof shall be made in such form and on such blanks as shall be prescribed by the Minnesota Forestry Association, in conformity with the spirit of this act.

Minnesota Forestry Association.

Duty of assessor to report such tree plantations.

Sec. 7861. It is hereby made the duty of the assessor of every town, at the time of making his assessment, to ascertain whether or not trees have been planted by any land owner in his town, and for which compensation is claimed under this act; and in case trees have been planted, and such compensation is claimed, the assessor shall personally examine the grove or line of trees, and make report of the extent and condition thereof, according to the prescribed form, the same to be returned to the county auditor with the other returns and assessment book.

Certificate.

Sec. 7862. The county auditor shall thereupon, and before the first day of August each year, compare the proof furnished by the owner of the grove or line of trees with the assessor's report thereof, and if the same correspond in substance, he shall immediately forward to the state auditor a certified list of all plats filed, and proofs of planting, cultivation and maintenance found correct as aforesaid.

Warrant.

Sec. 7863. If the state auditor finds that the provisions of this act have been complied with, he shall issue to the several claimants entitled to compensation his warrant upon the state treasurer for the amount to which such claimant is entitled under this act, on the first Monday in October each year; Provided, that if the aggregate of the compensation so applied for shall, in any one year, exceed the amount of money in the hands of the state treasurer belonging to the state forestry fund, then it shall be the duty of the state auditor to ascertain the amount of money in said forestry fund, and on the first Monday in October in such year equitably distribute such sum among the claimants, and to issue no

warrant to any claimant for a larger sum than his pro rata share under said distribution, and his warrant for such pro rata shall relieve the state and said fund from further claim for such year.

NOTE.—The reference to the "forestry fund" in this section has become meaningless since the following section was amended so as to read as given below.

Appropriation.

Sec. 7864 (As amended by chap. 63, Laws of 1895). For the purpose of paying the compensation provided for in this act, the sum of twenty thousand dollars (20,000) is hereby annually appropriated from the revenue fund.

Minnesota Forestry Association.

NOTE.—By Section 2952 of the Statutes of Minnesota the president of the State Forestry Association is made ex-officio a member of the state agricultural society. For duties of that society regarding tree planting bounties, see sec. 7853, and following, page 221 of this bulletin.

NEBRASKA.

Tax exemption for live fences and forest trees.

COMPILED STATUTES.—*Sec. 4934.* * * * The increased value of lands, by reason of live fences, and forest trees grown and cultivated thereon shall not be taken into account in the assessment thereof.

NOTE.—This law was passed in furtherance of the constitutional provision, quoted in full in chap. I, page 13 of this bulletin.

NEW HAMPSHIRE.

Rebate of taxes for tree planting.

LAWS OF 1903, CHAP. 124.—*Sec. 1.* In consideration of the public benefit to be derived from the planting and cultivation of timber, or forest trees, the owners of any and all lands which shall be

Density.

planted with timber or forest trees, not less than 1,200 to the acre, shall be entitled, from and after the first day of April 1903,

First ten years.

to a rebate of the taxes assessed upon said lands as follows: For the first ten years after the land has been so planted, a rebate of

Second ten years.

ninety per cent of all the taxes assessed upon said land; for the second period of ten years after such planting, a rebate of eighty

Third ten years.

per cent of all such taxes; and for the third and final period of ten years after such planting, a rebate of fifty per cent of all said

Trees must be kept in sound condition.

taxes. Said rebate shall only be allowed on condition that said planted trees are kept in sound condition. A return of such planting shall be made to the selectmen when taking the annual inventory, which return shall be verified by the selectmen and made

Thinning.

the basis of such tax exemption. After said trees have been planted ten years it shall be lawful for the owners to thin out the same so that not less than six hundred trees shall be left to the acre; but no portion of said planted land shall be absolutely cleared of trees during the period for which said rebate may be allowed.

Forestry commission to arrange for seed and seedlings.

Sec. 2. In order to facilitate the planting of trees as hereinbefore provided, the forestry commission is hereby authorized and directed to contract, without expense to the state, upon terms to be approved by the governor and council, with reputable nurserymen to provide, at a price to be determined upon, seeds and seed-

lings of timber or forest trees, to land owners for planting within this state in accordance with the terms of section 1 of this act.

NOTE.—For forestry commission, see chap. II, of this bulletin, page 67.

NEW YORK.

GENERAL LAWS, PAGE 3878.—*Sec. 4.* The following property shall be exempt from taxation: Taxation of forest preserve.

* * * * *

2. The property of this state other than its wild or forest lands in the forest preserve.

PENNSYLVANIA.

LAWS OF 1887, PAGE 287.—*Sec. 1.* In consideration of the public benefit to be derived from the planting and cultivation of forest and timber trees, the owner or owners of any land in this Commonwealth planted with forest and timber trees in number not less than twelve hundred to the acre shall, on making due proof thereof, be entitled to receive annually from the commissioners of their respective counties, during the period that the said trees are maintained in sound condition upon the said land, the following sums of money: Bounty on plantations. Density.

For the period of ten years after the land has been so planted, a sum equal to ninety per centum of all the taxes annually assessed and paid upon the said land, or so much of the said ninety per centum as shall not exceed the sum of forty-five cents per acre: First ten years.

For a second period of ten years, a sum equal to eighty per centum of the said taxes, or so much of the said eighty per centum as shall not exceed the sum of forty cents per acre: Second ten years.

For a third and final period of ten years a sum equal to fifty per centum of the said taxes, or so much of the said fifty per centum as shall not exceed the sum of twenty-five cents per acre. Provided, that it shall be lawful for the owner or owners of the said lands, after the same has been so planted for at least ten years, to thin out and reduce the number of trees growing thereon to not less than six hundred to the acre, so long as no portion of said land shall be absolutely cleared of the said trees; and, provided, also, that the benefits of this act shall not be extended to nurserymen or others growing trees for sale for further planting. Third ten years. Thinning.

Sec. 2 (As amended by Laws of 1901, Page 52). The owner or owners of forest or timberland in this Commonwealth, which has been cleared of merchantable timber, who shall at any period after the land has been so cleared, maintain upon the said land young forest or timber trees in sound condition, in number at least twelve hundred to the acre, shall on making due proof thereof be entitled to receive annually from the commissioners of their respective counties the sums of money mentioned in the first section of this act: Provided, that the first period of ten years shall be counted from the time that said land has been cleared of merchantable timber, and that after the said first period of ten years the number of trees upon the said land may be reduced as in the first section is provided. Tax rebate for reforested land. Density. Thinning.

Tax rebate on woodland.

Density.

Eighty per cent rebate.

Maximum rebate per acre.

Maximum acreage.

LAWS OF 1901, PAGE 77.—*Sec. 1.* In consideration of the public benefit to be derived from the retention of forest or timber trees, the owner or owners of land in this Commonwealth, having on it forest or timber trees averaging not less than fifty trees to the acre, each of said trees to measure at least eight inches in diameter at a height of six feet above the surface of the ground, with no portion of said land absolutely cleared of said trees, shall upon filing with the county treasurer of their respective counties and with the tax collector of their respective township or district an affidavit made by said owner or owners, or by some one in his, her or their behalf, setting forth the number of acres of timberland within the requirements of this act, be entitled to receive annually during the period that the said trees are maintained in good condition upon the said land, a rebate equal to eighty per centum of all taxes, local and county, annually assessed and paid upon said land, or so much of the eighty per centum as shall not exceed in all the sum of forty-five cents per acre, the said rebate to be deducted from said taxes, pro rata, and receipted for by the respective tax collectors or county treasurers: Provided, however, that no one property owner shall be entitled to receive said rebate on more than fifty acres.

Tax rebate for roadside tree planting.

ACT OF JULY 2, 1901.—*Sec. 1.* Any person liable to road tax, who shall transplant to the side of the public highway on his own premises any fruit, shade or forest trees, of suitable size, shall be allowed by the supervisor of roads or boards of supervisors of roads, where roads run through or adjoin cultivated fields, in abatement of his road tax, one dollar for every two trees set out; but no row of elms shall be placed nearer than seventy feet; no row of maples or other forest trees nearer than fifty feet, except locust and Carolina poplar, which may be set thirty feet apart, and except fruit trees, which may be set forty feet apart; and no allowance as before mentioned shall be made unless such trees shall have been set out the year previous to the demand for such abatement of tax, and are living and well protected from domestic animals at the time of such demand.

Rebate for roadside trees.

Sec. 2. Any fruit, shade or forest trees growing naturally by the side of the public highway, where said public highway runs through cultivated lands, shall be allowed for in the same manner and on the same conditions as in the preceding section.

For trees replaced.

Sec. 3. Any trees transplanted by the side of the public highway, as aforesaid, in the place of trees that have died, shall be allowed for in the same manner and on the same conditions as in the first section of this act.

Limit.

Sec. 4. No person shall be allowed an abatement, as aforesaid, of more than one-quarter of his said annual road tax.

Penalty for destroying roadside trees.

Sec. 5. Any person who shall cut down, kill or injure any living tree, planted or growing naturally as aforesaid, or who negligently or carelessly suffers a horse or other domestic animal, driven by or for him to injure any trees hereinbefore mentioned, upon conviction thereof shall be subject to a penalty of not less than one dollar nor more than five dollars, with cost of suit, for each and every tree so cut down, killed, removed or injured: Provided, That if the defendant or defendants neglect or refuse to pay at once the penalty so imposed and costs, or shall not enter

sufficient bail for the payment of the same within ten days, he or they shall be committed to the common jail of the county in which the offense was committed, for a period of not less than one day for each dollar of penalty imposed and costs: Provided, however, That the owner of the land upon which the trees are growing and upon which said abatement has been granted, may remove such trees, on condition that he will immediately plant and maintain another tree, or trees, in the place or places of those removed by him or refund to township said abatement, originally allowed for said tree or trees.

Disposal of fines.

Sec. 6. All moneys collected as a penalty in accordance with section five of this act, shall be paid to the supervisors of roads or boards of supervisors of roads, and form part of the road fund of the township in which the offense was committed.

Records.

Sec. 7. It shall be the duty of the supervisor of roads or the boards of supervisors of roads to keep a permanent record, in a book especially prepared for that purpose, and which book shall be the property of the township, of all trees upon which the said abatement, as hereinbefore mentioned, has been granted; and when any tree or trees have been removed, with or without the consent of the supervisors of roads or boards of supervisors of roads, the date thereof shall be distinctly entered in said book.

Repeal.

Sec. 8. The act approved the second day of May, A. D. 1879, entitled "An act to encourage the planting of trees along the roadsides in this Commonwealth," is hereby repealed.

Road improvement in lieu of town tax.

NOTE.—Laws of 1901, page 11, sec. 8, provides for payment of money by the State to maintain, repair, or extend roads in or adjacent to "forestry reservations" of the State. See chap. II, page 68 of this bulletin.

RHODE ISLAND.

Tree plantations not taxed.

GENERAL LAWS, CHAP. XXXXIV.—*Sec. 3.* Whenever there shall have been planted one or more acres of land, worth not more than twenty-five dollars per acre, in the state, not at the time of planting sprout or woodland to timber trees of any of the following kinds: Chestnut, hickory, white ash, oak, maple, European larch, pine or ailanthus, in numbers not less than two thousand to the acre, the owner of such plantation of trees may, after they shall have grown to an average of four feet in height appear before the board of assessor of taxes in any town in which such plantation may be located, and prove the facts above mentioned and specified, in reference to such plantation, and upon such proof, such plantation of trees, and the ground in which they are growing, shall be exempted from all taxation whatsoever for a period of fifteen years next thereafter.

Kind of trees.
Density.

Time of such exemption.

VERMONT.

Maple sugar.

NOTE.—Sec. 254, Vermont Statutes, provides an annual appropriation of $500 for the Maple Sugar Makers' Association of the State; sec. 255 provides that at least one hundred dollars annually shall be spent by the association in premiums for the best maple sugar product.

WISCONSIN

Bounty on tree belts.

WISCONSIN STATUTES.—*Sec. 1469.* Every owner or possessor of five acres of land, or more, who shall successfully grow, by planting with forest trees consisting of the following kinds, or such species thereof as will grow to the height of fifty feet or more,

Kind of trees.

viz: Arbor vitæ, ash, balsam fir, basswood, beech, birch, butternut, cedar, black cherry, chestnut, coffeetree, cucumbertree, elm, hackberry, hemlock, hickory, larch, locust, maple, oak, pine, spruce, tuliptree and walnut, tree belts in the manner and form prescribed in the next section, shall be entitled to have the land on which

Tax exemption.

such tree belts grow exempted from taxation from the time the trees commence to grow until they shall reach the height of twelve

Bounty.

feet, and after they shall have attained that height, to receive an annual bounty of two dollars per acre for each acre so grown.

How planted.

Sec. 1470. Such tree belts shall be planted on the west or south sides of each tract of land, be of uniform width throughout their entire length, contain not less than eight trees, at nearly equidis-

Density and width.

tance, on each square rod of land, and be at least thirty feet wide for each five-acre tract, sixty feet wide for each ten-acre tract and one hundred feet wide for each square forty-acre tract and upon all square tracts of land, upon two sides thereof. All tree belts

Distance between belts.

owned by the same land owner must be planted not to exceed a fourth of a mile apart, and on the west and south sides of every square forty acres, and shall not exceed one-fifth of the entire tract of land on which the same are planted. Provided, that when

Along public highways.

the east and north sides, or either, of any tract of land is bounded by a public highway, a tree belt one rod wide may be planted next to said highway, although it, with the others on the west and south sides, shall exceed one-fifth of the whole tract; and tree belts may be planted on any other lines within each forty square acres, by permission of the assessor.

Assessor to examine and report.

Sec. 1471. The assessor shall, upon the application of the owner thereof, in each year, at the time of assessing the personal property in each district, make a personal examination of all tree belts for which bounty or exemption from taxation is claimed, and ascertain whether they have been planted as required in the preceding section, and are thriftily growing; and if he shall be satisfied thereof, he shall not assess the same for taxation, unless the trees therein shall have attained the height of twelve feet; and in that case he shall deliver to the owner a certificate that he is entitled to an annual bounty of two dollars for each acre of such tree belts, stating therein the whole amount of such bounty, and giving a description of the entire land of which the tree belts form a

Bounty to be credited against all taxes.

part, and the amount of such bounty shall be credited by the treasurer in payment of any taxes assessed on such lands as so much cash; but if not so satisfied, the assessor shall assess the land for taxes, or refuse to grant any certificate for the bounty as the case

Subsequent death and over-thinning.

may require; and if, after any certificate for such bounty shall have been issued, the owner of such tree belts shall suffer the same to die off by want of cultivation or otherwise, or shall cut the same down, or in any other way allow the same to be so thinned out, that in the opinion of the assessor he ought no longer

to receive such bounty, he shall give the treasurer written notice thereof, and thereafter no further bounty shall be allowed until such owner shall again receive a certificate therefor.

Sec. 1038. The property in this section described is exempt from taxation, to-wit: Tax exemption.

* * * * *

18. Such tree belts as are or may be planted and maintained in compliance with Chapter 61 of these Statutes. (Viz., the acts printed above.)

WYOMING.

REVISED STATUTES.—*Sec. 2645.* It shall be lawful for the board of county commissioners in any county in this state to offer a bounty to any person in said county who shall hereafter plant one or more acres of land with forest trees and properly cultivate the same for five years in any sum not to exceed ten dollars for five years for each acre so planted and cultivated; provided, that trees so planted shall not be at a greater distance than ten feet apart each way and shall be kept in a live, thrifty condition for at least five years after being planted before said bounty shall be due and payable; and provided, further, that the provisions of this act shall not apply to any lands held as timber culture entries under any of the timber laws of the United States. Bounty for tree planting. Density. Kept thrifty for five years.

Sec. 2646. The board of county commissioners desiring to offer the bounty herein provided for, shall do so by resolution to be made of record and giving notice in some newspaper published in the county three weeks prior to the first day of April of each year, said resolution and notice to state the amount of bounty offered for each acre planted and cultivated. Notice.

Sec. 2647. Any person claiming the bounty under this chapter shall make proof before the county commissioners that he has complied with the provisions of section 2645, and that the trees planted by him are in a healthy and growing condition. Proof.

Sec. 2648. Upon satisfactory proof of the compliance with this chapter, the board of county commissioners may issue to the person entitled thereto a warrant upon the county treasurer as in other cases, for the amount due under the offer made by the board. Warrant.

CHAPTER VI.

STATUTES RELATING TO INVESTIGATION, EDUCATION, AND PUBLIC OBSERVANCE.

ALABAMA.

CODE OF ALABAMA.—*Sec. 2242.* It shall be the duty of the state geologist to devote such portion of his time as may not be required for the discharge of his duties as a professor in the University of Alabama, to exploration and examination of the mineral, agricultural and other natural resources of the state, so as to determine accurately * * * its forest trees and their utilities and distribution * * *. State geologist to investigate forests.

NOTE.—A tabulated list showing the states which observe Arbor day may be found on page 251 of this bulletin. List of Arbor-day States.

ARIZONA.

REVISED STATUTES.—Sec. 310, provides for Arbor day to be a holiday on Friday after April 1, for Apache, Navajo, Coconino, Mohave and Yavapai counties; on Friday after February 1, for all other counties. Sec. 311, that governor shall proclaim above section and recommend that Arbor day be observed by tree and shrub planting. Sec. 312, that school children shall be assembled on Arbor day to conduct exercises and plant trees; the county superintendents to have general supervision and the teachers direct charge. Sec. 313, that each county school superintendent shall prescribe a course of instruction of forest subjects. Arbor day.

NOTE.—Arbor day is further made a legal holiday by sec. 2709 of the Revised Statutes.

ARKANSAS.

NOTE.—See table on page 251 of this bulletin. Arbor day.

CALIFORNIA.

LAWS OF 1893, CHAP. 187.—*Sec. 1.* An act entitled "An act to create a State Board of Forestry, and to provide for the expenses thereof," approved March 3, 1885, and the act amendatory thereof, approved March 7, 1887, is hereby repealed. State Board of Forestry law repealed.

Sec. 2. All the real and personal property of said board, on or before the first day of July, 1893, shall be assigned, made over and transferred to the Agricultural Department of the University of California. Transfer of property.

Sec. 3. There is hereby appropriated the sum of four thousand dollars out of any money in the state treasury not otherwise appropriated, payable to the Agricultural Department of the Appropriation for forest experiment stations.

University of California, for the support, maintenance and preservation of the experimental stations of the State Board of Forestry, and the controller is hereby directed to draw his warrant for the same.

NOTE 1.—Various other appropriations have from time to time been made for the support of the "Forestry Stations" at Chico and at Santa Monica. The act of March 7, 1889, made while the Board of Forestry was still in charge, has the following proviso:

"Provided, no further expenditures shall be made on any station, the fee of which is not unconditionally vested in this state, and that no other station be selected or used for any purpose connected with this act, except upon lands unconditionally donated for that purpose."

NOTE 2.—For the law providing for a state survey in cooperation with the government of the United States see chap. II of this bulletin, page 31.

Arbor day.

NOTE 3.—See table on page 251 of this bulletin.

COLORADO.

Board of Agriculture to collect information about trees.

NOTE 1.—By Sections 62 and 63, Mills' Annotated Statutes, it is made the duty of the secretary of the Board of Agriculture, among other things, to collect information "upon the culture of * * * trees adapted to the soil and climate of this state": and he is to "purchase, receive and distribute such rare and valuable trees * * * as it may be in his power to procure from the general government and such other sources as may be adapted to our climate and soils * * * "; and place "such trees * * * in the hands of those farmers and others who will agree to cultivate them properly and return to the secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation and such other information as may be necessary to ascertain their value for cultivation in the state."

Arbor day.

NOTE 2.—Mills' Annotated Statutes, sec. 2129, provides that Arbor day shall be the third Friday in April of each year, to be observed by tree planting, but that the actual planting may be done at such other more appropriate time as the several county superintendents may fix. Sec. 2130, that schools shall have appropriate Arbor day exercises. Sec. 2131, that the governor shall annually issue an Arbor Day proclamation calling attention to the purpose of the day.

CONNECTICUT.

Geological survey.

NOTE 1.—Laws of 1903, chap. 133, sec. 2, provides that the Geographical and Natural History Survey shall investigate the economic and educational value of the forest resources of the state.

Arbor day.

NOTE 2.—Revised Statutes, sec. 4438, provides that the governor shall annually by proclamation in the spring provide for Arbor day and its observance.

DELAWARE.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

FLORIDA.

Forest experiment station.

LAWS OF 1893, PAGE 168, (CHAP. 4234).—*Sec. 1.* There shall be established at some suitable point in Florida, possessing climate conditions for growing all kinds of plant life including

cinchona, log wood, and camphor, olive and India rubber trees, also vanilla, tea, coffee, jute, New Zealand flax, etc., on muck lands over which the trustees of the internal improvement fund have exclusive control under the act of Congress, September 28, 1850, an experimental station, to be operated by, or under the supervision of the commissioner of agriculture, and under such rules and regulations and conditions as may be prescribed by the Trustees of the Internal Improvement Fund of Florida. Overflowed lands.

Sec. 2. For the purpose of carrying out the provisions of Sec. 1 of this act and to create a fund for the establishment and maintenance of said agricultural station, and for the further drainage and reclamation of the lands set apart for that purpose, the Trustees of the Internal Improvement Fund of the State of Florida are hereby authorized and directed to set apart one hundred thousand acres of the land granted the state of Florida by the act of Congress of September 28, 1850, to be sold at such prices as may be fixed by the trustees, and the proceeds thereof to be expended by the said trustees of the Internal Improvement Fund in carrying out the provisions of Sec. 1 of this act. Lands set apart for experiment station. Proceeds of sales for support of experiment station.

NOTE 1.—According to Sec. 142 of the Revised Statutes, the commissioner of agriculture, among other duties, is required to "collect specimens of wood suitable for manufacturing and other purposes." Wood specimens.

NOTE 2.—See table on page 251 of this bulletin. Arbor day.

GEORGIA.

CODE OF GEORGIA.—*Sec. 1395*, provides that the first Friday in December shall be Arbor day. Sec. 1396, that the state school commissioner through the county school commissioners shall cause the schools to properly observe Arbor day. Arbor day.

IDAHO.

LAWS OF 1903, No. 87.—*Sec. 1*, provides that each county school superintendent shall fix a day in April for Arbor day. Sec. 2, that under the supervision of superintendents all schools shall hold appropriate exercises on Arbor day. Sec. 3, that the state superintendent shall fix a course of exercises and instructions to be observed on Arbor day. Arbor day.

ILLINOIS.

REVISED STATUTES, CHAP. V.—*Sec. 42*, provides that the governor shall annually, in the spring, designate an Arbor day, to be observed throughout the state in tree and shrub planting. Arbor day.

INDIANA.

ACTS OF 1903, CHAP. 106.—The governor shall annually in the spring designate by official proclamation a day to be designated as "Arbor Day" to be observed throughout the state as a day for planting trees, shrubs and vines about the homes and along high- Arbor day.

ways, and about public grounds within the state, thus contributing to the wealth, comfort and attractions of our state.

State board of forestry.

NOTE.—See law, establishing a State Board of Forestry with expert forester as its secretary, Laws of 1901, chap. 49, as amended by Laws of 1903, chap. 44, on page 37, chap. II of this bulletin.

IOWA.

Duty of State geologist.

CODE.—*Sec. 2499.* The state geologist shall be director of the survey and make a complete survey of the natural resources of the state in all their economic and scientific aspects, including * * * the growth of timber, and other scientific and natural history matters that may be of practicable importance and interest.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

KANSAS.

Commissioner of forestry.

GENERAL STATUTES.—*Sec. 6628.* Within twenty days after the taking of this act, the governor shall appoint some person who has practical knowledge of growing forest trees, who shall be known as the commissioner of forestry of the state of Kansas, who shall hold his office for the term of two years.

Forest experiment stations.

Sec. 6629. It shall be the duty of the commissioner of forestry provided for in this act, to procure donation of two suitable tracts of land of not less than one hundred and sixty acres each, at points not to exceed three miles from a station on the Union Pacific Railway, Kansas Division, and on the Atchison, Topeka and Santa Fe Railway, respectively. These tracts shall be donated to the state of Kansas for the purposes named in this act, to be and remain the property of the state in the event of the continuation of these forestry stations by the state for the period of ten years from the date of their establishment, otherwise the title of the said tract or tracts to revert to the donor or donors. The commissioner of forestry shall establish an experimental forest station upon each of said tracts of land, the object of which shall be the promotion of the art of forestry, and where he shall plant seeds and cuttings of various kinds of forest trees, especially such as are likely to thrive in that portion of Kansas known as the plains,

Free seedlings.

the seedlings or trees growing from which he shall issue free of charge at each station to any resident of the state of Kansas who may apply for the same, in such quantities and under such restrictions as may in the judgment of said commissioner be advisable.

Information to be given.

Sec. 6630. The commissioner of forestry, by himself or suitable employe, shall give such information as may be in his possession, by letter, circular or otherwise, upon the subject of forest trees, and shall give all persons visiting these experimental stations the benefit of his experience and that of his predecessors.

Annual report.

Sec. 6631. Said commissioner of forestry shall annually make a report to the governor giving a detailed account of his proceedings under this act, embodying a full statement of all expenditures in his office, including purchase of all the stock, trees, seeds, plants, and cuttings, as well as expenditures for labor, help, printing, traveling, and any other expenses properly pertaining to his office.

He shall also embody in such report a detailed account of his experiments in tree growing, noting the failures as well as the causes of success, to the end that reliable information may be disseminated. He may also make such recommendations as may be suggested by his experience.

Meetings.

Sec. 6632. It shall be the duty of the commissioner of forestry, when requested by petition of twenty-five persons in any county in this state, to go into such county and hold one or more meetings therein for the dissemination of knowledge upon the subject of forestry: Provided, however, that such meeting shall be no expense to the state.

Oath and bond.

Sec. 6633. Before entering upon the duties of his office the commissioner of forestry shall take and subscribe the usual oath of office, and enter into bond to the state of Kansas, to be approved by the executive council, in the sum of five thousand dollars, for the faithful performance of the duties of his office.

Accounts.

Sec. 6634. All bills and accounts of said commissioner of forestry shall be duly verified and approved by the executive council, and payable by the state treasurer upon the warrant of the state auditor.

Salary.

Sec. 6635. The salary of the commissioner of forestry shall begin on the first day of March, A. D., 1887, or as soon thereafter as he shall take his oath of office and qualify.

NOTE 1.—The salary of the commissioner is fixed at $1,000 dollars per annum by chap. 118, Laws of 1903. The stations provided for in this act are located at Ogallah and Dodge City, Kansas.

NOTE 2.—See table on page 251 of this bulletin.

Arbor day.

KENTUCKY.

NOTE.—See table on page 251 of this bulletin.

Arbor day.

LOUISIANA.

Arbor day.

ACTS OF 1904, PAGE 250.—*Sec. 20.* The State and Parish Boards of Public Education are directed to provide for proper courses of instruction by text-books, or lectures, on the general subject of forestry in all the public schools of this State; and they are further directed to provide for the celebration by all public schools of Arbor Day, on which day, trees, flowers, etc., are to be planted, where practicable, on the grounds surrounding all public school houses.

NOTE 1.—Sections 1 to 3 inclusive, and 17 to 19 inclusive of this act may be found on page 39 of this bulletin.

NOTE 2.—Sections 4 to 14 inclusive and sections 15 and 16 of this act may be found on page 151 of this bulletin.

MAINE.

Forest statistics.

NOTE 1.—See chap. II of this bulletin, page 40, Laws of 1891, chap. 100, as amended, sections 2, 15 and 16.

Arbor day.

NOTE 2.—Laws of 1887, chap. 79, provides that the governor shall annually proclaim a day in the spring as Arbor day and recommend that it be celebrated by tree planting and appro-

priate exercises pertaining thereto. Laws of 1901, chap. 202, provides that Arbor day shall be a school holiday providing that it is appropriately observed by both teachers and pupils.

MARYLAND.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

MASSACHUSETTS.

Arbor day.

REVISED LAWS, CHAP. LIII.—*Sec. 16.* The governor may annually issue a proclamation setting apart the last Saturday in April as Arbor day, and recommending that it be observed in the planting of trees, shrubs and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of such day.

State forester to instruct.

NOTE.—For course in Forestry to be conducted by state forester, see Acts and Resolves of 1904, chap. 409, Sec. 2, in chap. II of this bulletin, page 43.

MICHIGAN.

Arbor day.

COMPILED LAWS.—*Sec. 1754.* Resolved, (the House concurring), that the governor is hereby requested to call the attention of the people of this state to the importance of planting trees for ornament and shade, by naming a day upon which this work shall be given special attention, to be known as "Arbor Day."

MINNESOTA.

Geological and natural history survey.

STATUTES OF MINNESOTA.—*Sec. 3928.* It shall be the duty of the board of regents of the University of Minnesota to cause to be begun as soon as may be practicable and to carry on, a thorough geological and natural history survey of the state.

To include examination of trees, etc.

Sec. 3934. The natural history survey shall include first, an examination of the vegetable productions of the state, embracing all trees, shrubs, herbs and grasses, native and naturalized in the state, Second, a complete and scientific account of the animal kingdom as properly represented in the state, including all mammalia, fishes, reptiles, birds and insects.

Arbor day.

LAWS OF 1899, CHAP. 36.—*Sec. 1.* The governor is hereby authorized to set apart each year by proclamation one day to be designated as arbor and bird day, and to request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees and the adornment of the school and public grounds and by suitable exercises having for their object the advancement of the study of arboriculture and promotion of the spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them.

MISSISSIPPI.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

MISSOURI.

NOTE 1.—Among the duties of the state geologist, enumerated in Sec. 7503, Revised Statutes, it is specified that he shall "note carefully * * * the growth of timber." State geologist.

NOTE 2.—See table on page 251 of this bulletin. Arbor day.

MONTANA.

POLITICAL CODE.—*Sec. 1990*, provides that Arbor day shall be the second Tuesday of May. Sec. 1991, that schools shall observe the day with appropriate exercises. Sec. 1992, that the superintendent of public instruction shall prescribe instruction and exercises for Arbor day. Sec. 3280, that the governor shall annually make proclamation of Arbor day. Arbor day.

NEBRASKA.

COMPILED STATUTES.—*Sec. 3862*. The following days, to-wit: * * * the twenty-second of April, known as "Arbor Day," * * * shall for all purposes whatsoever as regards the presenting for payment or acceptance, and the protesting and giving notice of the dishonoring of bills of exchange, bank checks or promissory notes, made after the passage of this act, be deemed public holidays * * *. Arbor day.

NEVADA.

COMPILED LAWS.—*Sec. 5055*. Arbor day is hereby established in the state of Nevada, and shall be fixed each year by proclamation of the governor, at least one month before the fixing of such date, and it shall be observed as a holiday by the public schools of the state; providing that nothing in this act shall be contrued as making this a legal holiday, so far as the courts and legal contracts are concerned. Governor to fix Arbor day.

Sec. 5056. His Excellency, the Governor is requested to make proclamation setting forth the provisions of the first section of this statute (Sec. 5055) and recommend that Arbor day so established be observed by the people of the state in the planting of trees, shrubs and vines, in the promotion of forest growth, and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the character of the day so established. Objects.

NEW HAMPSHIRE.

NOTE 1.—For timber investigations by forestry commission, see chap. II of this bulletin, page 55. Forestry commission.

NOTE 2.—See table on page 251 of this bulletin. Arbor day.

NEW JERSEY.

GENERAL STATUTES, PAGE 3274.—*Sec. 25*. The state geologist, under the direction of the board of managers of the geological survey, and with the assistance of a competent botanist to be selected by said board for his expert knowledge of forestry and of the forest trees of this state, and such other expert assistance Investigations of forest trees.

To ascertain wild land more suited for forest purposes.

as may be required for the purpose, shall make an investigation to ascertain the extent, character and location of the wild lands in this state which are suited for permanent occupations by forests rather than by agriculture, and shall report the results of such investigation to the legislature, together with a statement

State forest reserve.

of what part or parts of such lands would be suitable for a state forest reserve, and the advantages as regards the timber supply, water supply, scenery and climate of the state, which would accrue from the conservation of existing forests by the establishment of such reserve or otherwise, the investigation so to be made shall

Commercial value of forests.

determine the extent to which forests of timber of commercial value now exist in the state, and include a study of the localities or areas which are specially adapted to the growth of designated

Watersheds.

kinds of timber of commercial value; it shall also include an examination as to the presence or absence of forest cover upon the slopes and summits of the more important water sheds of the state, and a study of the effect of such conditions as now exist upon the maintenance of the streams therein and the regulation

Climate and rainfall.

of the freshet flow thereof; the report to the legislature shall state the arguments touching the beneficial effect upon climate and rainfall attributable to the presence of forest, and shall likewise present an outline of the policy and legislation of other states and countries for the preservation of forests and their regulation for public ends, so far as the same may be applicable to this state.

NOTE 1.—This section was first enacted in 1894, together with an appropriation for that year of $5,000, which has been from time to time renewed.

Forestry museum.

NOTE 2.—Chap. 81, Laws of 1903, provides for the installment in New Jersey State Museum of the forestry exhibit of the state at the Pan-American and Charleston expositions.

Arbor day.

NOTE 3.—General Statutes, vol. 1, page 76, sec. 1, provides that the governor shall annually proclaim an arbor day in April. Sec. 2, that the state superintendent of instruction shall issue circulars of information and instruction. Sec. 3, that city and county superintendents shall prescribe appropriate school exercises.

NEW MEXICO.

Arbor day.

COMPILED LAWS.—*Sec. 1625-a* provides that the second Friday in March of each year shall be observed as Arbor day by tree-planting and appropriate exercises, but that the actual planting may be done on any better date; that the day shall be a school holiday with appropriate exercises; that the Governor shall proclaim the day and recommend its observance; and that county superintendents shall promote its proper observance and report annually to the Governor.

NEW YORK.

New York State College of forestry.

GENERAL LAWS, PAGE 806.—*Sec. 1* (approved March 26, 1898). Upon the acceptance by Cornell University of the provisions of this act, which acceptance in writing duly executed and acknowledged in the manner provided by law for the execution of written instruments by corporations, shall be filed in the office of the

secretary of state within ten days after the approval of this act, the trustees of Cornell University are authorized and empowered to create and establish a department in said University to be known as and called the New York State College of Forestry for the purpose of education and instruction in the principles and practice of scientific forestry.

To acquire and manage land.

Sec. 2. For the purposes of such school and for carrying out the objects of this act, the board of trustees of said University are hereby authorized and empowered, by and with the consent and approval, and under the direction of the forest preserve board of this state, to contract for the purchase of, and to purchase and to acquire by purchase title to not more than thirty thousand acres of land in the Adirondack forests. The University shall have the title, possession, management and control of such land, and by its board of trustees through the aforesaid college of forestry shall conduct upon said lands such experiments in forestry as it may deem most advantageous to the interests of the state and the advancement of the science of forestry, and may plant, raise, cut and sell timber at such times, of such species and quantities and in such manner, as it may deem best, with a view to obtaining and imparting knowledge concerning the scientific management and use of forests, their regulation and administration, the production, harvesting and reproduction of wood crops and earning a revenue therefrom, and to that end may constitute and appoint a faculty of such school, consisting of one director or professor, and two instructors, and may employ such forest manager, rangers and superintendents, and incur such other expenses in connection therewith, as may be necessary for the proper management and conduct of said college and the care of said lands, and for the purpose of this act, within the amount herein after appropriated.

Faculty of the forest school.

Duty of surveyor, etc., to assist forest school.

Sec. 3. The superintendent of the state land survey or the state engineer and surveyor shall make such surveys and furnish such maps, as may be required by said trustees and authorized and directed by the forest preserve board of lands purchased or proposed to be purchased for the purposes of this act.

Conveyance.

Sec. 4. Every deed or conveyance of lands acquired under the provisions of this act by said University shall contain in the habendum clause thereof a condition and covenant that the same, and the title to the land conveyed therein and thereby, is taken by the grantee therein named, the Cornell University, under and pursuant to the provisions of this act; and shall also contain an express covenant, running with the land and binding said University, that the same is conveyed for the uses and purposes in this act provided for, and also an express covenant on the part of said University to convey said lands to the people of said state as hereinafter provided for. Every such conveyance shall be executed in duplicate, one of which shall be recorded in the office of the clerk of the county where the land is situated and the other in the office of the secretary of state.

Payments.

Sec. 5. Payment for the lands thus purchased shall be made in manner following: Upon the execution of any contract or conveyance pursuant to sections 2 and 4 of this act, the board of trustees

of the University shall transmit a certified copy thereof to the forest preserve board with a written request for a warrant and certificate for the payment of the purchase price to the grantor or proper persons entitled thereto. The forest preserve board shall, after examination and if such be the fact make and execute its certificate, that such purchase or contract was made by and with its consent and approval and under its direction, and that the same is in all respects in conformity with the provisions of this act, and shall attach such certificate to said request for a warrant and certificate, and transmit the same to the comptroller, who shall thereupon draw his warrant upon the treasurer in favor of the grantor or proper person entitled to the purchase price, and the treasurer shall pay the same from any moneys heretofore or hereafter appropriated for the purposes of chap. 220 of the Laws of 1897, or of this act.

Finances of the forest school.

Sec. 6. All moneys received by Cornell University from state appropriations for the said college shall be kept by said University in a separate fund from the moneys of the University, and shall be used exclusively for said college. Such moneys as may be appropriated to be paid to the Cornell University by the state in any year, to be expended by said University in the administration of said college, shall be payable to the treasurer of the Cornell University in three equal payments to be made on the first day of October, the first day of January and the first day of April in such year, and within thirty days after the expiration of the period for which each installment is received, the said University shall furnish the comptroller of the state of New York satisfactory vouchers for the expenditure of such installment. The said University shall expend such moneys and use such property of the state in administering said college and shall report to the legislature during the month of January in each year a detailed statement of such expenditures and of the general operations of the said college. Neither the board of trustees nor any member thereof shall receive any compensation for services under this act, but each such member is entitled to be repaid from the state treasury his actual and necessary expenses incurred in the performance of any duty imposed on him under this act by the trustees, or the forest preserve board, on like certificate of the forest preserve board to and on the audit and warrant of the comptroller.

Same.

Sec. 7. All sums received by the University from the sale of timber or otherwise, under this act, shall be deposited on the first day of each month to the credit of Cornell University in such bank or banks as may be designated by the comptroller for that purpose. Each bank so designated shall file with the comptroller a bond in an amount and on conditions approved by him. The treasurer of Cornell University shall on or before the fifth day of each month file with the state comptroller a verified statement showing the amount of money so received and deposited, when, from whom and for what received, and the day on which the deposit was made, and said statement shall have endorsed thereon a certificate of the proper officer of the bank that such deposit has been made. The money so deposited may be drawn by the treasurer on his check or draft countersigned by the comptroller for any amount included in an estimate approved as herein provided. The director of the

New York State College of Forestry of Cornell University shall on the first day of each month file with the comptroller an estimate and detailed statement of all moneys that will, in the judgment of such director be required in that month for the administration of the trust committed to Cornell University under this act in connection with the forest lands. The comptroller may revise and reduce the estimate and shall fix the amount which may be drawn thereon. At the end of the period for which the trustees of the Cornell University hold title to said forest lands they shall render a full account of said fund to the comptroller of the state of New York, and all balances, if any then remain, shall be paid over to the state treasurer.

Forest college land to be part of forest preserve.

Sec. 8. Subject only to the powers, duties and responsibilities vested in or imposed upon the trustees of the Cornell University by this act, and except as may be inconsistent with this act, and the objects and purposes herein provided for, the land so purchased shall be deemed to be and shall be regarded as a part of the forest preserve, so far as may be necessary for the protection of fish, game and forest as prescribed by the fish, game and forest law and the jurisdiction, supervision, powers, duties and responsibilities of the fish, game and forest commission, and of fish and game protectors and foresters, authorized by the fish and game and forest law except as may be inconsistent with the provisions of this act, shall extend and apply to the land so purchased hereunder, for the purposes of this act.

Reversion to the forest preserve after thirty years.

Sec. 9. Upon and at the expiration of thirty years from and after the taking effect of this act, all lands and each and every part and parcel thereof, purchased by said University and paid for by the state under and pursuant to the provisions of this act, shall be by the board of trustees of said University or its successors, granted and conveyed to the people of the state of New York by a good and sufficient deed of conveyance, without further price and consideration therefor and the same shall thereupon be and become a part of the forest preserve. Nothing herein contained, however, shall be held or construed to render it obligatory upon the trustees to accept the provisions hereof.

Present status of the college.

NOTE 1.—Sec. 10 appropriates $10,000 for the support of the college. Further similar appropriations were made in subsequent years, but none in 1903 or 1904.

The failure to make appropriation in 1903 and 1904 does not repeal the above law but discontinues the college of forestry until such time as funds are made available either by the state or by private gifts.

Arbor day.

NOTE 2.—General Laws, page 3634, sec. 44, provides that arbor day shall be the Friday following the first day of May. Sec. 45, that the authorities having control of schools in any city or district shall prescribe a proper observance of the day. Sec. 46, that the state superintendent of public instruction shall have general power to prescribe such exercises and publish instructions for the same. Sec. 47, that the legislature shall, annually, make an appropriation for such an observance.

Forest, fish, and game commission to supply instruction in forestry.

NOTE 3.—For provision that the forest, fish and game commission must distribute tracts containing instructions in care of woodland and supply schools, academies and colleges with the means of instruction in forestry, see sec. 220 of the forest, fish and game law, in chap. II of this bulletin, page 64.

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NORTH CAROLINA.

Information concerning Appalachian Reserve.

LAWS OF 1903, PAGE 1183.—*Sec. 1.* That the Board of Agriculture and the Geological Survey be and the same are hereby authorized and directed to make such examination and investigation as may be deemed advisable as to the necessity for and utility of the national forest reserve proposed to be established in this state and others adjacent thereto by an act of Congress of the United States; and they are further authorized and directed to gather and disseminate information concerning said forest reserve, and to further aid in securing its establishment by Congress.

NOTE 1.—See also chap. II of this bulletin, page 66.

Arbor day.

NOTE 2.—See table on page 251 of this bulletin.

NORTH DAKOTA.

School of Forestry.

REVISED CODE.—*Sec. 1020–g.* A state school of forestry, to be known as the North Dakota School of Forestry, the special object of which shall be instruction in such arts and sciences as shall hereafter be determined by the board of directors, and especially in the art and science of forest culture, and which shall embrace a preparatory department, where all the various branches shall be taught pertaining to a good common school education, is located at Bottineau, in the county of Bottineau, state of North Dakota, by virtue of the vote taken thereon according to law.

Board of directors.

Sec. 1020–h. The said school shall be under the direction of a board of directors, and shall be governed and supported as hereinafter provided. The board of directors shall consist of three members to be appointed by the governor with the consent and advice of the senate, two of whom shall be appointed for the term of two years and one for the term of four years. Thereafter, and at each bi-ennial session of the legislative assembly, and on or before the third Monday in February during each session, there shall be nominated by the governor, and by and with the advice and consent of the senate, appointed for the term of four years, commencing on the first Tuesday in April following such appointment directors to fill vacancies occurring by the expiration of the term of office of those previously appointed. The governor shall have power to fill all vacancies in said board which may occur when the legislative assembly is not in session, and the members of said board shall hold office until their successors are appointed and qualified as provided by this article; provided further, that in all cases where the governor has made an appointment to fill a vacancy, when the legislative assembly is not in session, the term of office of the director or directors so appointed shall expire on the first Tuesday in April following the next session of the legislative assembly.

Organization of board of directors.

Sec. 1020–i. The governor shall cause to be issued to each of said directors a commission, which shall be under the seal of the state. At the first meeting of said board the members thereof shall take and subscribe the oath of office required of all civil officers of the state, and shall then proceed to elect a president,

secretary and treasurer, but the treasurer shall not be a member of said board of directors. A majority of said board shall be a quorum for the transaction of business. The board shall require a bond of its treasurer and fix the amount thereof.

Compensation of board of directors.

Sec. 1020–j. The board of directors shall hold its meetings at Bottineau and fix the time of holding the same; provided there shall not exceed three regular meetings in each year. The members shall receive as compensation for their services three dollars per day for each day employed, and all traveling expenses necessarily incurred therein, which sum shall be paid out of the state treasury upon vouchers of said board duly certified by the president and secretary thereof, which sum is hereby appropriated therefor. The president of said board shall have power to call special meetings whenever in his judgment it becomes necessary.

Accounts of board of directors.

Sec. 1020–k. The board shall audit all acounts against the funds appropriated by the legislative assembly of the state of North Dakota, or held by the state for the use of the school of forestry, and the state auditor shall issue his warrants upon the state treasurer for the amount of all accounts which have been so audited and allowed by the board of directors and attested by the president and secretary of the same.

Report of board of directors.

Sec. 1020–l. The board of directors shall make a report to the governor on or before the first Monday in December next preceding each biennial session of the legislative assembly, to be published in the biennial report of the superintendent of public intruction in addition to the other publication as provided by law.

NOTE.—See table on page 251 of this bulletin.

Arbor day.

OHIO.

State forestry board.

REVISED STATUTES.—*Sec. 8869.* There is hereby established at the state university, at Columbus, Ohio, a central office for the promotion of forestry, to be entitled the State Forestry Bureau, which shall consist of three members, to be appointed by the governor, as a board of directors. The members of the board of directors shall be commissioned by the governor and be duly qualified as like officers of the state; one of the three directors shall serve for six years, the second for four years, and the third for two years, and on the expiration of terms of service appointments shall be made for the term of six years.

Duties.

Sec. 8870. It shall be the duty of said state forestry bureau to thoroughly inquire into the character and extent of the forests of the state; to investigate the causes which are in operation to produce their waste or decay; to suggest what legislation, if any, may be necessary for the development of a rational system of forestry adapted to the wants and conditions of this state, and with the consent of the trustees of the Ohio State University, the said directors may establish a forestry station on the grounds of the said university. The directors shall select one of their number, or apponit a qualified person as secretary, to carry out the plans of the board who shall receive such compensation for his services as shall be agreed upon by the board; provided, that all expenses incurred under this act shall not exceed the amount hereinafter

Suggest legislation on forestry.

Forestry experiment station.

Secretary.

Compensation of secretary and directors.

provided. Said directors shall serve without compensation, but shall be allowed their necessary expenses incurred in discharge of the duties of their office.

Annual report. *Sec. 8871.* This bureau shall annually make a report to the governor, which shall contain the results of the investigation, together with such other information as the board may deem necessary for the promotion of forestry in this state. Five thousand (5,000) copies of this report are to be printed by the state, two thousand (2,000) of which shall be distributed by the bureau of forestry, and the remainder by the general assembly.

Appropriation. *Sec. 8872.* There is hereby appropriated for the ensuing year for the maintenance of said bureau the sum of one thousand dollars, or so much thereof as may be necessary, for the purpose of meeting the actual expenses of carrying out the provisions of this act.

How expended. *Sec. 8873.* No money shall be expended except on order of the president direct, or by and with the approval of the board.

Arbor day. LAWS OF 1902, PAGE 38.—The governor of said state shall not later than April appoint and set apart one day in the spring season of each year, as a day on which those in charge of the public schools and institutions of learning under state control, or state patronage, shall, for at least two hours, give information to the pupils and students concerning the value and interest of forestry, and the duty of the public to proteca the birds thereof, and also for planting forest trees. Said day shall be known as arbor day.

OKLAHOMA.

Arbor day. LAWS OF 1901, CHAP. 5.—[*Sec. 1* provides that arbor day shall be the Friday after the second Monday of March in each year.] [*Sec. 2*, that each city or county superintendent shall prescribe appropriate exercises for that day in the schools.]

OREGON.

Arbor day. CODES AND STATUTES.—*Sec. 3426*, provides that the afternoon of the second Friday in April of each year shall be arbor day, to be observed in all the schools, under supervision of the teachers, directors and superintendents, by appropriate exercises to encourage the planting, protection and preservation of trees and plants. *Sec. 3427* provides that the superintendent of public instruction shall prescribe a course of exercises and instruction appropriate for arbor day.

PENNSYLVANIA.

Forest school. LAWS OF 1903, PAGE 373.—*Sec. 1.* The commissioner of forestry is hereby directed, under the advice of the state forestry Reservation Commission, to purchase suitable buildings and land adjacent to the Mount Alto State Forestry Reservation or to erect buildings on said reservation, at a cost not to exceed six thousand dollars, and to establish and provide therein and on said reservation practical instruction in forestry, to prepare forest wardens for the

proper care of the state forestry reservation lands; the said instruction not to cost a sum exceeding ten thousand dollars, for the two fiscal years ending June first, one thousand, nine hundred and five; and the sum of sixteen thousand dollars or so much thereof as may be necessary is hereby appropriated, out of moneys not otherwise appropriated, for said purposes, to be paid by warrant drawn by the auditor general upon resolution of the State Forestry Reservation Commission. Cost of instruction. Appropriation.

LAWS OF 1883, PAGE 112.—*Sec. 1.* It shall be the duty of the several assessors in this Commonwealth in their return of real estate to the commissioners of the proper county, at the next triennial assessment and at each triennial assessment thereafter, to make return of all the timberlands in their proper districts by specifying in separate columns how many acres each tract contains of cleared land and how many in timber. Census of timber by acres.

LAWS OF 1885, PAGE 300.—*Sec. 1.* The governor of this Commonwealth be requested to appoint a day, to be designated as "Arbor Day," in Pennsylvania, and to recommend, by proclamation to the people, on the day named, the planting of trees and shrubbery in public school grounds and along public highways throughout the state. Arbor day.

RHODE ISLAND.

NOTE.—The law establishing legal holidays (Sec. 8, chap. 166, General Laws, as amended by sec. 36, chap. 809, Public Laws of 1900–1901) includes the second Friday in May as arbor day. Arbor day.

SOUTH CAROLINA.

NOTE.—See table on page 251 of this bulletin. Arbor day.

SOUTH DAKOTA.

NOTE.—See table on page 251 of this bulletin. Arbor day.

TENNESSEE.

CODE OF TENNESSEE.—*Sec. 1416.* * * *

10. To set apart some day in November in each year as "Arbor Day," in all the public schools of the county, that trees may be planted around the buildings, that the grounds around such buildings may be improved and beautified, such planting to be attended with appropriate and attractive ceremonies, that the day may be one of pleasure as well as of instruction for the young; all to be done under the supervision and direction of the teacher, who shall see that the trees are properly selected and set. Arbor day.

TEXAS.

CIVIL STATUTES.—*Article 2940.* The twenty-second day of February of each year, the same being a legal holiday, is further set apart and designated as "Arbor Day," to be devoted to the planting and cultivation of forest, shade and ornamental trees, throughout the state, and to be observed for that purpose in such manner as may seem best to the people of each community. Arbor day.

UTAH.

Arbor day.

REVISED STATUTES.—*Sec. 1146.* The governor shall each year issue a proclamation, recommending the observation of arbor day by the planting of trees, shrubs, and vines, in the promotion of forest growth and culture and in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of such holiday.

NOTE.—Arbor day is further made a legal holiday by being included in the enumeration of such, in sec. 1145, Revised Statutes.

VERMONT.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

VIRGINIA.

Arbor day.

VIRGINIA CODE 1904.—*Sec. 222-b.* The governor shall annually, in the spring designate by official proclamation a day to be designated as "arbor day," to be observed throughout the State as a day of planting trees, shrubs and vines about the houses and along the highways, and about public grounds in this State, thus contributing to the wealth, comfort, and attractions of the State.

WASHINGTON.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

WEST VIRGINIA.

Arbor day.

NOTE.—See table on page 251 of this bulletin.

WISCONSIN.

Geological survey.

LAWS OF 1897, CHAP. 297.—[This chapter, establishing a geological and natural history survey, provides among other things:]

Sec. 2. This survey shall have for its object: * * *

3. A study of the plants of the state, and especially of the forests with reference to their cultivation and preservation.

NOTE.—See also Forestry Department law, chap. II, of this bulletin, page 88.

Arbor day.

WISCONSIN STATUTES.—*Sec. 137-b.* The governor, by proclamation, may set apart one day each year, to be desinated as arbor and bird day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them. He may also set apart, in said manner, one day in each year, to be observed as Labor Day.

WYOMING.

Arbor day.

REVISED STATUTES.—*Sec. 2697.* The governor shall annually, in the spring, designate by official proclamation an arbor day, to be observed by the schools and for economic tree planting.

APPENDIX.

TABLE I.—*Federal forest reserves.*

[Names of reserves in existence December 1, 1904, are printed in **heavy-face** type. Names of reserves which have been absorbed by them appear in light-face type.]

Name.[a]	Location.	Date.[b]	Statutes at Large.		Effect of proclamation, order, or law.			
			Vol.	Page.	Original area.	Area added.	Area deducted.	Present area.
					Acres.	*Acres.*	*Acres.*	*Acres.*
Afognak	Alaska	Dec. 24, 1892	27	1052	403,640			403,640
Alexander Archipelago.	do	Aug. 20, 1902	32	2025	4,506,240			4,506,240
Aquarius	Utah	Oct. 24, 1903	33	(c)	639,000			639,000
Ashland	Oreg	Sept. 28, 1893	28	1243	18,560			18,560
Baker City	do	Feb. 5, 1904	33	(c)	52,480			52,480
Battlement Mesa:								
Battlement Mesa	Colo	Dec. 24, 1892	27	1053	858,240			
Do	do	Oct. 7, 1901	(d)	(d)			1,280	
Do	do	Apr. 7, 1902	(d)	(d)			120	
Do	do	May 19, 1903	(d)	(d)			3,840	
Do	do	May 16, 1904	33	(c)			45,440	
Total							50,680	807,560
Big Horn:								
Big Horn	Wyo	Feb. 22, 1897	29	909	1,127,680			
Do	do	June 29, 1900	31	1976		53,120		
Do	do	Apr. 15, 1901	(d)	(d)			5,440	
Do	do	June 25, 1901	(d)	(d)			27,520	
Do	do	May 22, 1902	32	2004		69,120		
Total						122,240	32,960	1,216,960
Bitter Root:								
Bitter Root	Idaho and Mont.	Feb. 22, 1897	29	899	4,147,200			
Do	do	June 14, 1904	33	(c)			57,600	
Total								4,089,600
Black Hills:								
Black Hills	S. Dak. and Wyo.	Feb. 22, 1897	29	902	967,680			
Do	do	Sept. 19, 1898	30	1783		244,000		
Wind Cave	S. Dak	Jan. 9, 1903	32	(e)			1,920	
Total								1,209,760
Black Mesa	Ariz	Aug. 17, 1898	30	1782	1,658,880			1,658,880
Bull Run	Oreg	June 17, 1892	27	1027	142,080			142,080
Cascade Range:								
Cascade Range	do	Sept. 28, 1893	28	1240	4,492,800			
Do	do	Apr. 29, 1898	(d)	(d)			11,520	
Do	do	Apr. 6, 1899	(d)	(d)			160	
Do	do	June 29, 1901	(d)	(d)			46,080	
Do	do	July 1, 1901	32	1972		142,080		
Crater Lake	do	May 22, 1902	32	202			152,680	
Total						142,080	210,440	4,424,440
Cave Hills	S. Dak	Mar. 5, 1904	33	(c)	23,360			23,360
Chiricahua	Ariz	July 30, 1902	32	2019	169,600			169,600
Dismal River	Nebr	Apr. 16, 1902	32	1995	85,123			85,123
Fish Lake:								
Fish Lake	Utah	Feb. 10, 1899	30	1787	67,840			
Do	do	May 2, 1904	33	(c)		131,200		
Total								199,040
Gallatin	Mont	Feb. 10, 1899	30	1780	40,320			40,320
Gila River	N. Mex	Mar. 2, 1899	30	(e)	2,327,040			2,327,040
Grand Canyon	Ariz	Feb. 20, 1893	27	1064	1,851,520			1,851,520
Grantsville	Utah	May 7, 1904	33	(c)	68,960			68,960
Highwood Mountains	Mont	Dec. 12, 1903	33	(c)	45,080			45,080
Lake Tahoe	Cal	Apr. 13, 1899	31	1953	136,335			136,335

[a] The exact titles of all existing forest reserves begin with "The" and end with "Forest Reserve," except the San Francisco Mountains and the Gallatin, which end with "Forest Reserves."

[b] Date of the proclamation, executive order, or law which affected each reserve.

[c] Proclamations of date later than January 29, 1903, will appear in vol. 33, Statutes at Large, not yet published.

[d] Executive order under authority of act of June 4, 1897 (Stat. at L., vol. 30, p. 34).

[e] This proclamation appears to have been omitted from the Statutes at Large by mistake.

TABLE I.—*Federal forest reserves*—Continued.

Name.	Location.	Date.	Statutes at Large.		Effect of proclamation, order, or law.			
			Vol.	Page	Original area.	Area added.	Area deducted.	Present area.
Lewis and Clark:					*Acres.*	*Acres.*	*Acres.*	*Acres.*
Flathead	Mont	Feb. 22, 1897	29	911	1,382,400			
Lewis and Clark	do	do	29	907	2,926,080			
Do	do	June 9, 1903	33	(a)		362,240		
Total								4,670,720
Lincoln	N. Mex	July 26, 1902	32	2018	500,000			500,000
Little Belt Mountains.	Mont	Aug. 16, 1902	32	2022	501,000			501,000
Logan	Utah	May 29, 1903	33	(a)	182,080			182,080
Luquillo	Porto Rico	Jan. 17, 1903	32	2029	65,950			65,950
Madison	Mont	Aug. 16, 1902	32	2024	736,000			736,000
Manti	Utah	May 29, 1903	33	(a)	584,640			584,640
Medicine Bow:								
Medicine Bow	Wyo	May 22, 1902	32	2003	400,051			
Do	do	July 16, 1902	32	2015		20,533		
Total								420,584
Minnesota National	Minn	June 27, 1902	32	400	231,400			231,400
Mount Graham	Ariz	July 22, 1902	32	2017	118,600			118,600
Mount Rainier:								
Pacific	Wash	Feb. 20, 1893	27	1063	967,680			
Mount Rainier	do	Feb. 22, 1897	29	896	1,267,200			
Mount Rainier National Park.	do	Mar. 2, 1899	30	993			207,360	
Total					2,234,880		207,360	2,027,520
Modoc	Cal	Nov. 29, 1904	33	(a)	288,218			288,218
Niobrara	Nebr	Apr. 16, 1902	32	1993	123,779			123,779
Olympic:								
Olympic	Wash	Feb. 22, 1897	29	901	2,188,800			
Do	do	Apr. 7, 1900	31	1962			264,960	
Do	do	July 15, 1901	32	1981			456,960	
Total							721,920	1,466,880
Payson:								
Payson	Utah	Aug. 8, 1901	32	1985	86,400			
Do	do	Nov. 5, 1903	33	(a)		25,200		
Total								111,600
Pecos River:								
Pecos River	N. Mex	Jan. 11, 1892	27	998	311,040			
Do	do	May 27, 1898	30	1773		120,000		
Do	do	June 2, 1898		(b)			160	
Total								430,880
Pikes Peak:								
Pikes Peak	Colo	Feb. 11, 1892	27	1006	184,320			184,320
Do	do	Mar. 18, 1892	27	c1014				179,200
Plum Creek	do	June 23, 1892	27	1029	179,200			49,920
Pocatello	Idaho	Sept. 5, 1903	33	(a)	49,920			
Prescott:								
Prescott	Ariz	May 10, 1898	30	1771	10,240			
Do	do	Oct. 21, 1899	31	1956		413,440		
Total								423,680
Priest River	Idaho and Wash.	Feb. 22, 1897	29	903	645,120			645,120
Salt Lake	Utah	May 26, 1904	33	(a)	95,440			95,440
San Bernardino:								
San Bernardino	Cal	Feb. 25, 1893	27	1068	737,280			
Do	do	May 14, 1904		(b)			160	
Total								737,120
San Francisco Mountains:								
San Francisco Mountains.	Ariz	Aug. 17, 1898	30	1780	975,360			
Do	do	Apr. 12, 1902	32	1991		999,950		
Total								1,975,310

a Proclamations of date later than January 29, 1903, will appear in vol. 33, Statutes at Large, not yet published.

b Executive order under authority of act of June 4, 1897 (Stat. at L., vol. 30, p. 34).

c This proclamation merely determined the boundary more accurately.

TABLE I.—*Federal forest reserves*—Continued.

Name.	Location.	Date.	Statutes at Large.		Effect of proclamation, order, or law.			
			Vol.	Page.	Original area.	Area added.	Area deducted.	Present area.
					Acres.	*Acres.*	*Acres.*	*Acres.*
San Gabriel	Cal	Dec. 20, 1892	27	1049	555,520			555,520
San Isabel	Colo	Apr. 11, 1902	32	1989	77,980			77,980
San Jacinto:								
San Jacinto	Cal	Feb. 22, 1897	29	893	737,280			
Do	do	Oct. 17, 1901		(*a*)			69,120	
Total								668,160
Santa Barbara:								
Zaca Lake and Pine Mountain.	Cal	Mar. 2, 1898	30	1767	1,144,594			
Do	do	June 29, 1898	30	1776		500,000		
Santa Ynez	do	Oct. 2, 1899	31	1954	145,000			
Santa Barbara	do	Dec. 22, 1903				48,729		
Total					1,189,594	548,729		1,838,323
Santa Catalina	Ariz	July 2, 1902	32	2012	155,520			155,520
Santa Rita	do	Apr. 11, 1902	32	1989	387,300			387,300
Sierra:								
Sierra	Cal	Feb. 14, 1893	27	1059	4,096,000			
Do	do	Jan. 28, 1904		(*a*)			160	
Total								4,095,840
Slim Buttes	S. Dak	Mar. 5, 1904	33	(*b*)	58,160			58,160
South Platte	Colo	Dec. 9, 1892	27	1044	683,520			683,520
Stanislaus	Cal	Feb. 22, 1897	29	898	691,200			691,200
Trabuco Canyon:								
Trabuco Canyon	Cal	Feb. 25, 1893	27	1066	49,920			
Do	do	Jan. 30, 1899				60,000		
Total								109,920
Uintah	Utah	Feb. 22, 1897	29	895	875,520			875,520
Washington:								
Washington	Wash	do	29	904	3,594,240			
Do	do	Apr. 3, 1901	32	1969			167,840	
Total								3,426,400
White River:								
White River	Colo	Oct. 16, 1891	27	993	1,198,080			
Do	do	June 28, 1902	32	2008			68,160	
Do	do	May 21, 1904	33	(*b*)			159,040	
Total							227,200	970,880
Wichita	Okla	July 4, 1901	32	1973	57,120			57,120
Warner Mountains	Cal	Nov. 29, 1904	33	(*b*)	306,518			306,518
Yellowstone:								
Timberland Reserve	Wyo	Mar. 30, 1891	26	1565	1,239,040			
Do	do	Sept. 10, 1891	27	*c*989				
Teton	do	Feb. 22, 1897	29	906	829,440			
Yellowstone	Wyo. and Mont.	May 22, 1902	32	2000	*d*[1,809,280]	880,533	310,293	
Teton	Wyo	do	32	2000		3,297,920		
Yellowstone	Wyo. and Mont.	June 13, 1902	32	2006		24,960		
Absaroka	Mont	Sept. 4, 1902	32	2027	1,311,600			
Yellowstone	Wyo. and Mont.	Jan. 29, 1903	32	2030		1,056,000		
Do	do	May 4, 1904	33	(*b*)			518,600	
Total					3,380,080	5,259,413	828,893	7,810,600

a Executive order under authority of act of June 4, 1897 (Stat. at L., vol. 30, p. 34.
b Proclamations of date later than January 29, 1903, will appear in vol. 33, Statutes at Large, not yet published.
c This proclamation merely determined the boundary more accurately.
d Not used in computing any of the total areas, because it is the result of 1,239,040−310,293+880,533.

TABLE II.—*National parks.*

Name.	Location.	Established.	Statutes at large.		Area.
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					Acres.
Antietam Battlefield	Maryland	Aug. 20, 1890	26	401	43
Casa Grande Ruin, The	Arizona	June 22, 1892	27	370	480
Chickamauga and Chattanooga National Military Park.	Georgia and Tennessee.	Aug. 19, 1890	26	333	6,195
Crater Lake National Park	Oregon	May 22, 1902	32	202	159,360
General Grant National Park	California	Oct. 1, 1890	26	650	2,560
Gettysburg National Military Park	Pennsylvania	Feb. 11, 1895	28	651	877
Hot Springs Reserve	Arkansas	June 16, 1880	21	289	912
Mount Rainier National Park, The	Washington	Mar. 2, 1899	30	993	207,360
National Zoological Park, The	District of Columbia.	Mar. 2, 1889	25	808	170
Rock Creek Park	do	Sept. 27, 1890	26	492	1,606
Sequoia National Park	California	Oct. 1, 1890	26	650	160,000
Shiloh National Military Park	Tennessee	Oct. 27, 1894	28	597	3,000
Sully's Hill Park	North Dakota	June 2, 1904	.....	.....	960
Sulphur Reservation	Indian Territory	Nov. 19, 1902	32	655	629
Vicksburg National Military Park	Mississippi	Feb. 21, 1899	30	841	1,233
Wind Cave National Park	South Dakota	Jan. 9, 1903	32	765	10,560
Yellowstone National Park	Montana and Wyoming.	Mar. 1, 1872	17	a 32	2,142,720
Yosemite National Park	California	Oct. 1, 1890	26	650	967,680

a Can be found in Revised Statutes, sec. 2474.

TABLE III.—*United States military wood and timber reservations.*

Name.	Location.	Established.	Area.
			Acres.
Fort D. A. Russell United States military wood and timber reservation.	Wyoming	Nov. 4, 1879 Feb. 25, 1880	2,541
Fort Leavenworth United States military wood and timber reservation.	Kansas	June 21, 1838 1841	939
Fort Meade United States military wood and timber reservation.	South Dakota	Apr. 8, 1881 Sept. 16, 1889	5,380
Fort Missoula United States military wood and timber reservation.	Montana	Feb. 19, 1877 Aug. 5, 1878	1,677
Fort Robinson United States military wood and timber reservation.	Nebraska	Oct. 4, 1879	10,240
Fort Sill United States military wood and timber reservation.	Oklahoma	June 4, 1892	26,880
Fort Wingate United States military wood and timber reservation.	New Mexico	Mar. 26, 1881	19,200

TABLE IV.—*Arbor Day in various States and Territories.*

The following table, prepared in the Bureau of Forestry and published in the Yearbook of the Department of Agriculture, 1903, shows the growth of sentiment in favor of a State Arbor Day:

State or Territory.	When first observed.	Observance.
Alabama	1887	February 22.
Alaska	.....	Not observed.
Arizona	Feb. —, 1895	Friday following 1st day of April, also Friday following 1st day of February.
Arkansas	Dec. 15, 1895	December 15 (irregularly observed).
California	.....	Observed by separate counties, but not generally.
Colorado	1890	Third Friday in April.
Connecticut	1886	Appointed by governor, last Friday in April or first in May.
Delaware	1901	Appointed by governor, usually in April.
District of Columbia	.....	Not observed.
Florida	Feb. 9, 1886	First Friday in February.
Georgia	1890	First Friday in December.
Idaho	1886	Last Monday in April.
Illinois	1888	Date fixed by governor and superintendent of public instruction.
Indian Territory	.....	Not observed.
Indiana[a]	1884	Last Friday in October.
Iowa	1887	Date fixed by proclamation of governor.
Kansas	1875	Do.
Kentucky	1894	Not regularly observed.
Louisiana	.....	Not observed.
Maine	1887	Date fixed by proclamation of governor, usually early in May.
Maryland	Apr. 10, 1889	In April. Date fixed by proclamation of governor.
Massachusetts	1886	Last Saturday in April.
Michigan	Apr. —, 1885	Last Friday in April.
Minnesota	1895	Date fixed by proclamation of governor, usually last of April or first of May.
Mississippi	Dec. 10, 1902	December 10.
Missouri	Apr. 16, 1886	Friday after first Tuesday in April.
Montana	Mar. 11, 1895	Second Tuesday in May.
Nebraska	Apr. 10, 1872	April 22.
Nevada	1887	Date fixed by proclamation of governor, usually in April.
New Hampshire	1885	No date fixed, usually in May.
New Jersey	Apr. 18, 1884	Usually third Friday in April, appointed by governor.
New Mexico	Feb. 16, 1891	Second Friday in March.
New York	May 3, 1889	Friday following 1st day of May.
North Carolina	.....	October 12, usually observed.
North Dakota	May —, 1890	First Friday in May.
Ohio	Apr. 27, 1882	Second or third Friday in April.
Oklahoma	.....	Second Friday in April.
Oregon	Apr. —, 1887	Appointment by governor in April or May.
Pennsylvania	1887	In October. Appointment by superintendent of instruction.
Rhode Island	Apr. 29, 1886	Second Friday in May.
South Carolina	Nov. —, 1899	Third Friday in November.
South Dakota	.....	Date fixed by governor.
Tennessee	1887	Date fixed annually in November.
Texas	Feb. 22, 1889	February 22.
Utah	1896	April 15.
Vermont	1885	Latter part of April or first of May.
Virginia	1892	
Washington	.....	Irregularly observed; date set by governor; different dates east and west of the Cascades.
West Virginia	1881	Third Friday in April and third Friday in November.
Wisconsin	1889	Date fixed by governor.
Wyoming	1888	Do.

[a] Not annually observed until 1896.

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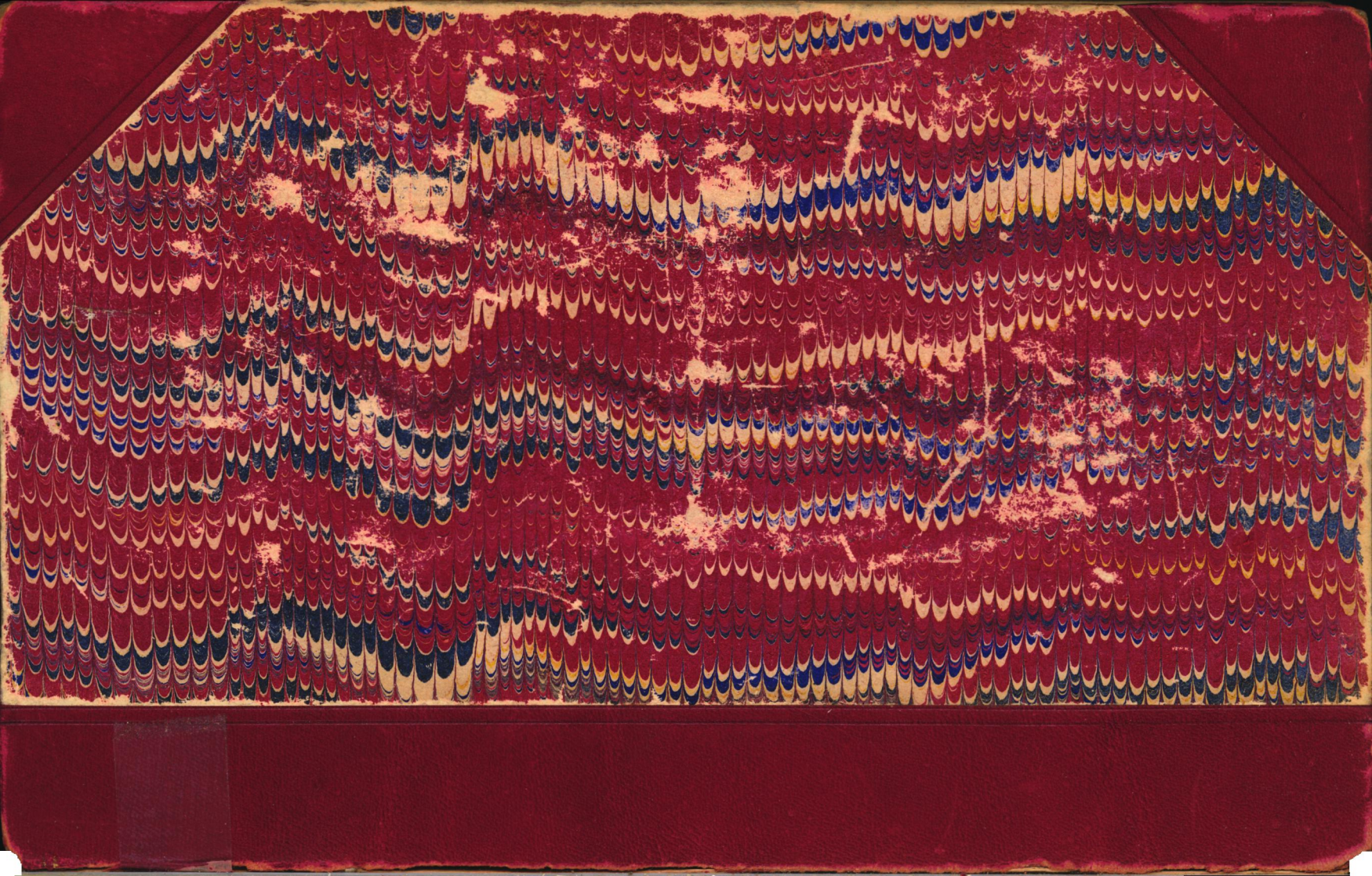
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